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ABSTRACT

Updating the Administration for Children, Youth and Families' 1978 "Comparative Licensing Study," a study was conducted to provide a common framework for assessing state activities in critical child care licensing areas and to record the status of child care licensing as of March 1981 in the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The updated, six-volume comparative licensing study improves the format of the original (e.g., gives greater prominence to group size and infant care) and contains detailed information on state laws and regulations dealing with family child care homes, group child care homes, and day care centers. The format consists of the following categories: (1) state licensing of child day care facilities; (2) licensing process and enforcement procedures; (3) administration; (4) group compositions of children; (5) staff qualifications and training requirements; (6) program of activities, including education; (7) health and safety; (8) nutrition and food services; (9) social services; (10) parent participation; (11) infants and toddlers; (12) children with handicapping conditions; (13) school age children; (14) facility requirements; and (15) other state requirements - compliance with other local, state, and regional laws and regulations. Volume 2 profiles requirements of day care centers in Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, and Nebraska. In some profiles, some categories are not detailed. (RH)

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COMPARATIVE LICENSING STUDY

Profiles of State Day Care Licensing Requirements

DAY CARE CENTERS

Revised Edition 1981

Volume 2 Indiana - Nebraska

PS 013971

produced for

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Government Project Officer
The Office of Program Development
Office of Developmental Services
Administration for Children, Youth and Families
Office of Human Development Services
U.S. Department of Health and Human Services

by

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4545 42nd Street, N.W.
Washington, D.C. 20016

November, 1982

Except where otherwise noted, all citations are from the Rules and Regulations of the Indiana Department of Public Welfare, Title 3 - Child Welfare Services, Chapter 4 - Licensing Day Nurseries, October 18, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Regulation 3-401 - Day Nursery, Definition.

A day nursery is defined as any institution operated for the purpose of providing care and maintenance for children separated from their parents or guardian or person in loco parentis during a part of the twenty-four hour day for two or more consecutive weeks excepting a school or other bona fide educational institution.

112. Exclusions and Exemptions

IND. CODE ANN. §12-3-2-12.7 Day nursery operated by religious organization; exemptions; registration; fees; inspection; notice to parents.

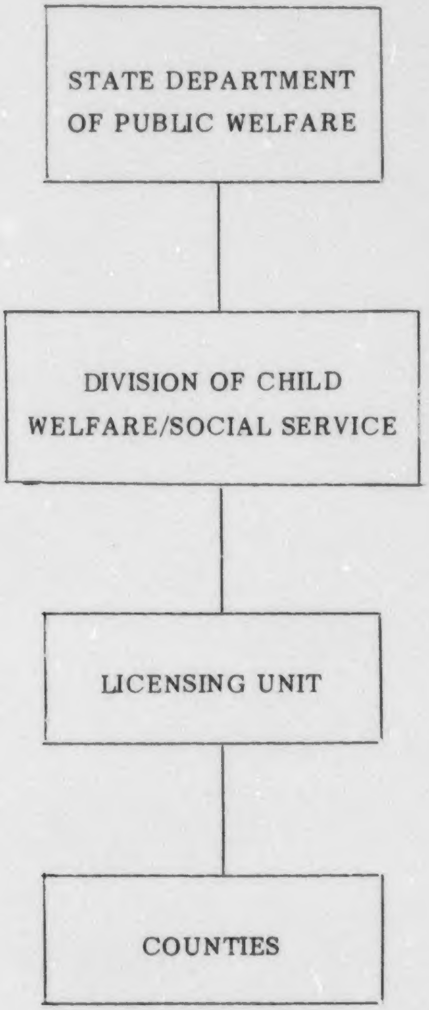
A day nursery that is operated by a religious organization or religious organizations exempt from federal income taxation under Section 501 of the Internal Revenue Code, is exempt from licensing and the rules adopted under this chapter.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


STATE DEPARTMENT OF PUBLIC WELFARE
DIVISION OF CHILD WELFARE/SOCIAL SERVICE
LICENSING UNIT
COUNTIES

In Indiana, all licenses are issued and revoked at the state central office level. The day to day licensing functions are carried out by state central office staff for day care centers and by county staff for family day care homes. The state central office monitors the counties in this function and provides consultation to them.

122. Responsible Official

All inquiries should be addressed to:

Administrator, State Department of
Public Welfare
100 N. Senate Avenue, Room 701
Indianapolis, Indiana 46204
(317) 232-4703

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

IND. CODE ANN. §12-3-2-12 (43-1316) Development of standards of child care - Rules and regulations - Cooperation with child welfare agencies.

The state department of public welfare shall be responsible for the development of adequate standards of child care, and after consultation with the state board of health and state fire marshal shall make, prescribe and publish such rules and regulations governing child welfare agencies and boarding-homes, as shall be deemed necessary or advisable to protect the best interests of children under eighteen (18) years of age, and to carry out the purpose of this chapter after such rules and regulations are approved and adopted according to law. In order to improve standards of child care, the state department of public welfare shall also cooperate with the governing bodies of child welfare agencies and institutions and assist the staffs thereof through advice on progressive methods and procedures and suggestions for the improvement of services.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

IND. CODE ANN. §12-3-2-6 (42-1310) License; issurance.

The state department of public welfare shall have the power to grant a license for one (1) year for the conduct of any boarding-home for children, day nursery, children's home or child-caring institution or child-placing agency that it believes is needed and is for the public good, that has adequate equipment for the work and that is conducted by a reputable responsible person or organization.

IND. CODE ANN. §12-3-2-8 (42-1312) Conditions to granting license.

No such license shall be issued unless the premises of the boarding-home, day nursery or children's home is in a fit sanitary condition and the application for license has been approved by the state board of health.

Regulation 3-402 - Application for License/Application.

Application for a license to operate a day nursery shall be submitted to the Indiana State Department of Public Welfare on the forms provided for that purpose by the State Department.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Regulation 3-402 - Application for License/Renewal.

An application for a renewal license shall be submitted annually.

225. Conditional/Provisional Licenses

IND. CODE ANN. §12-3-2-7 (42-1311) Provisional license.
A provisional license may be issued to any boarding-home, day nursery, children's home or child-placing agency whose services are needed, but which is temporarily unable to conform to all rules and regulations of the state department of public welfare. A provisional license may not be reissued for more than one (1) consecutive year.

226. Substantial Compliance

Regulation 3-456 - Exceptions and Variances.
The State Department within its own right, or upon the recommendation of the State Board of Health, State Fire Marshal or Administrative Building Council where health or safety rules are concerned, shall have the authority to grant an exception or variance to the provisions of these rules and regulations upon application in writing to the State Department by the director of a nursery. Such application will be considered only when there are practical difficulties which preclude carrying out the strict letter of these rules and regulations, and when there is substantial or equivalent compliance with them, and when such exception or variance in no way would create or perpetuate a condition or situation hazardous to the safety or well-being of a child. The nature of any exception or variance granted shall be described upon the face of the license issued to the nursery and also upon the record of the State Department as the licensing agency and upon the record of the other state agency(ies) which recommended the granting of the exception or variance.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

IND. CODE ANN. §12-3-2-11 (42-1315) Inspection and supervision.
The state department of public welfare and state board of health shall annually and may at any time, visit and inspect or designate a person to visit and inspect the premises so licensed. The State Department of Public Welfare shall have the authority at any time to investigate and examine into the conditions of any home or other place in which a licensee receives and maintains or places out children and shall have the authority at any time to examine and investigate the books and records of any license. The state board of health shall visit or designate a person to visit any licensee to advise on matters affecting the health of children, such as diet and medical care, and to inspect the sanitation of the buildings used for their care.

A county, city or town may employ a person or persons to assist the state department of public welfare or state board of health in performing inspection and investigation functions under subsection (a). Whenever requested by the county, city, or town, the state department of public welfare or the state board of health shall designate persons employed under this subsection to assist them.

232. Denial, Suspension, Revocation of a License

IND. CODE ANN. §12-3-2-10 (43-1314) Revocation of license.
The state department of public welfare may revoke such license in its discretion and shall note such revocation upon the face of the record thereof. It shall give written notice of such revocation to the licensee by delivering of notice to him in person or by leaving it on the licensed premises.

8

Regulation 3-404 - Automatic Termination of License.

A day nursery license is automatically terminated and a new application is required whenever there is a change in the name of the licensee, the type of facility, the location of the day nursery, or when the number of children to be cared for at any one time is more than the number for whom the license is granted, or when the children to be cared for at any one time includes a child or children beneath the age of two (2) years unless a special license is held by the licensee to provide infant care, or when the day nursery discontinues its service.

233. Remedies and Sanctions

233.1 Hearings

IND. CODE ANN. §12-3-2-13 (42-1317) Appeals.

Any person, firm, corporation or association whose license has been refused or revoked may appeal from the action of the state department of public welfare to the circuit or superior court of the county in which the residence or principal office is located; and shall give a good and satisfactory bond, in an amount to the fixed by the court, conditioned to pay all costs of such appeal should the appeal be determined against him.

233.2 Decisions

Not specified

233.3 Judicial Review

IND. CODE ANN. §12-3-2-15 (42-1319) Penalty for violation.

Any person who violates this chapter commits a Class B misdemeanor.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Regulation 3-403 - Reporting Changes and Events.
It shall be the responsibility of each day nursery to report promptly to the State Department the following changes or events.

Change in the name of licensee;

Change in the type of facility;

Change in the location of the day nursery prior to relocation;

Change in the number of children to be cared for to exceed the number authorized in the license prior to the acceptance of such additional children;

Change in the ages of children to be cared for, when such change includes care for children beneath the age of two (2) years if the licensee does not hold a special license to provide infant care, prior to the acceptance of a child or children beneath the age of two (2) years;

The fact of discontinuing day nursery service and the effective date of such discontinuance;

Major alterations or changes in housing or in use of rooms prior to making such alterations or changes;

Employment of a new operator or head teacher;

Major changes in the services offered, or in the schedule of operating hours prior to making such changes;

Changes in the schedule of fees;

Any damage caused by fire which occurs on the premises of the day nursery;

The serious injury or the death of any child which occurred while the child was on the premises of the day nursery or while in the care of the day nursery personnel.

Regulation 3-405 - Operation Responsibility of the Director.
The director shall be responsible for the operation of the day nursery at all times. During necessary absence of the director, a responsible staff member shall be designated to be in charge.

No day nursery shall operate at any time without a responsible person age twenty-one (21) years or over present on the premises of the nursery.

No director shall permit other employment or activities, within or away from the day nursery, to interfere with the efficient and proper operation of the day nursery.

Regulation 3-425 - Termination of Service.
An age for termination of service shall be established for the day nursery, and advance plans for termination made and carried out individually for each child.

312. Telephone

Regulation 3-448 - Office and Staff Rooms.
Telephone service shall be provided.

313. Proof of Operator Financial Capabilities

Regulation 3-406 - Financing and Accounting/Financial Resources.
The day nursery shall have sufficient funds at all times to assure continuous operation in accordance with these rules and regulations. A new day nursery shall have sufficient assured funds to carry through at least two months of operation with only limited dependence on fees.

Budget

An annual budget shall be prepared in detail showing income according to sources, and expenditures classified according to salaries, services and supplies, food, fixed expenses, repairs, and replacements of furnishings and equipment.

Financial Records and Reports

An appropriate and adequate bookkeeping system shall be maintained and made available for examination by the State Department at any time upon request.

Audit of Accounts

Any day nursery which solicits funds from the public, receives tax funds, obtains any support from a Community Chest, United Fund, or any other organization to which the public subscribes, or from a church or fraternal group, shall have an annual audit of all accounts by a certified public accountant who is not associated with the day nursery. Such audit shall be made available to the State Department upon request. The treasurer, director, and others handling the funds of such day nursery shall be bonded.

314. Insurance

Regulation 3-406 - Financing and Accounting/Insurance.

The day nursery shall carry sufficient forms and amounts of insurance to give reasonable protection to assets and to insure the personal and property liability risks involved in the provision of services. Such insurance shall include but not be limited to public liability and workmen's compensation insurance, and automobile liability and property damage insurance when the day nursery uses an automobile, whether it is owned by the day nursery, an employee, or volunteers.

320. PERSONNEL

321. Publication of Personnel Policies

Regulation 3-410 - Personnel Policies.

The day nursery shall have written personnel policies relating to employment, terms and conditions of work, salary ranges, and merit reviews. Policies shall include information as to hours of work including time off duty, rest periods, sick leave, vacation, holidays, and resignation and dismissal. The statement of personnel policies shall be made available to each employee.

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Regulation 3-407 - Total Daily Attendance Record.
A daily attendance record shall be maintained of the total number of children cared for at the day nursery.

Regulation 3-426 - The Child's Record.
The day nursery shall keep an adequate social and progress record, together with identifying or responsibility data and information, on each child in care. Identifying and responsibility data and information shall include:

Name and birth date of child;

Name, address and home telephone number of parents;

Places of employment of the parents, if employed, and the employers' addresses and telephone numbers;

Name, address and telephone number of a physician to call in emergencies;

Written authorization from parents for emergency medical care;

Name and telephone number of person(s) authorized to call for child;

Name, telephone number and address of responsible person who may be called to come for the child in case of illness or other emergency if the parents cannot be reached;

Identification of person having legal custody of the child if custody has been removed from one or both parents, and identification of any person(s) who may be prohibited by court order to have contact with the child;

Financial information on which the fee is based, and copy of any financial agreement with parents;

Dates of admission and discharge, and name and address of person to whom discharged;

Time of daily admission and discharge, and daily attendance record;

Health record;

Any other specific information required by the State Department or desired by the nursery.

Regulation 3-438 - Child's Health Record.
The day nursery shall maintain a current health record on each child enrolled in the nursery. Such record shall include:

Preadmission, annual and other health examination information and recommendations as furnished by the physician, including health history of child before and during care in the day nursery;

Physician's statement of health and immunizations;

Parent's statement of non-exposure of child to communicable disease prior to admission;

Physician's written instruction with regard to any special dietary or other special health care required for the child;

Record of medication and treatment given in the day nursery;

Record of absences due to illness or injury;

A running record of observations and incidents regarding each child under care including accidents, minor injuries, emotional upsets, unusual sleepiness, lack of vitality, or any other unusual condition which may be associated with a possible health condition. This should be a daily assignment to appropriate personnel.

342. Staff

Regulation 3-416 - Personnel and Volunteer Records.
An individual record shall be established and maintained for each staff member of the nursery. It shall include the following information:

Prior to Employment

Application;

Name, address, and telephone number;

Health records (See Regulation 3-439);

Training, education, experience and other qualifications;

Clearances from references and reports from former employers with evaluations of ability, character and suitability for working with children.

After Employment

Attendance record;

Annual health report;

Evaluation of employee's performance;

Record of workshops or training sessions attended, and of courses of study successfully completed;

Dates of employment and termination with reasons for termination.

An individual record shall be established and maintained for each volunteer who works for the nursery which includes at a minimum sufficient information to assure that such volunteer meets all of the requirements necessary for the protection of the health and safety of the children.

Regulation 3-429 - Health Records for Persons Performing Services.

The day nursery shall maintain a health record for each person performing any service in the nursery. Such record shall include pre-employment, annual and other health examination information as furnished by the physician and the name and telephone number of the person to be notified in event of emergency.

343. Child Eligibility and Enrollment Requirements

Regulation 3-423 - Intake and Admission Policies.

The day nursery shall accept only children who are at a stage of growth and development which enables them to benefit from its program, and for whose age level the nursery is adequately staffed and equipped to provide care.

The day nursery shall not admit any child whose needs it obviously cannot meet or whose behavior would be dangerous for other children in the nursery.

No day nursery shall admit any child under the age of two (2) years without a special license from the State Department to care for such children.

Intake and admission policies shall be clearly defined, formulated in writing, and made known to applicants. Such policies shall be commensurate with the needs of the child and with the purpose of the program, and shall include provision for:

> Pre-admission social and child development histories to be obtained through interviews with the parents and observation of the child to determine whether the service will meet the needs of the child and his parents;
>
> Family information pertinent to the provision of child care;
>
> Plan for payment of fees;
>
> A plan for getting each child to the nursery and getting him home, including the name of the person(s) authorized to call for him;
>
> An agreement for time of arrival at the day nursery and of departure for home;
>
> The plan for furnishing breakfast or supper, if such is appropriate.

The introduction of each child into the day nursery shall be handled on an individual basis to meet the special needs of the child as he begins this new experience.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

IND. CODE ANN. §12-3-2-14 (42-1318) Licensee's records - Records confidential.

Every licensee shall keep such records regarding each child in its control and care as the state department of public welfare may prescribe and shall report to said department, whenever called for, such facts as it may require with reference to such children upon blanks furnished by the department. All records regarding children and all facts learned about children and their parents or relatives shall be deemed confidential by the agency and by the state department of public welfare.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Regulation 3-413 - Personnel Required.
Proper provision shall be made for a sufficient number of staff members with appropriate qualifications to carry out the program of the day nursery according to at least minimum requirements, and to insure that the building is maintained in a safe and clean manner. Assignments of maintenance and housekeeping duties shall not interfere with the direct care of children. In no instance shall a day nursery operate with less than two staff members, one of whom shall be free from housekeeping and cooking responsibilities while in charge of children.

The day nursery shall provide substitute staff to replace employees on sick leave, vacation or absent for other reasons.

A responsible adult aged 18 or over shall always be readily available to substitute for a regularly assigned staff member in charge of a unit of children. Such person shall be on duty when the regularly assigned staff member is away from the group, for no matter how short a period of time, whether indoors or out.

In a small day nursery one staff member may carry multiple responsibilities. The director and head teacher may be the same person provided that such person meets the qualifications for both positions. When the group of children enrolled is small enough to require the employment of only two persons to operate the nursery, provision shall be made for the person supervising the children to be able to call the second staff member to assist in emergencies without the necessity of leaving the children unattended. All child care staff work under the direct supervision of a teacher, head teacher, or the director.

Regulation 3-414 - Child/Staff Ratios.
The maximum number of children in the day nursery per staff member supervising them shall not exceed ten if three years of age, twelve if four years of age, fifteen if five years of age, and twenty if six years of age or older.

412. Methods of Computing Staff/Child Ratios

Regulation 3-414 - Child/Staff Ratios.
Where there is a combination of ages within a group, the number of required staff shall be determined on the basis of the age of the youngest child.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/ Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Regulation 3-411 - Personal Qualifications of Personnel.
The director shall be at least twenty-one (21) years of age, and any other staff member who at any time has full charge and responsibility for a unit of children shall be at least eighteen (18) years of age.

512. Health

Regulation 3-437 - Health Examinations for Persons Performing Services.
No person shall be permitted to perform any services in the nursery until he has furnished the nursery with a statement from a physician that he is free from all medical conditions which might be harmful to children including venereal, tuberculosis and other communicable diseases. Each such person is required to have a health examination immediately prior to entering the service of the nursery and annually thereafter or more frequently as required by the nursery physician.

Volunteers, substitutes, student aids, and any other personnel having direct contact with the children or providing food service are also subject to the same regulation.

Health examinations shall include:

History;

A physical examination including such x-rays and laboratory procedures as are determined necessary by the examining physician;

A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative, or if there is no record of a test, such a test shall be done on each person. If the Mantoux test is positive the person shall have a diagnostic chest x-ray and other indicated laboratory tests to determine whether or not the disease is in an infectious state.

Persons who become ill or return to perform services for the day nursery following illness shall not perform in a capacity which may transmit disease or be detrimental to the health of the children or other persons in the day nursery.

All persons shall have an annual physical examination such as the one required prior to the time they were permitted to start performing services for the day nursery unless the day nursery physician recommends otherwise.

513. Education

Regulation 3-411 - Personal Qualifications of Personnel.
Each member of the staff shall be a competent and reliable person of good moral character and reputation, who is mentally, physically and emotionally able to assume assigned responsibilities for group care of children or the operation and maintenance of the day nursery according to his specific assignments.

Persons having direct contact with the children shall be equipped by education, training, skill and experience to provide for their proper training and development, and shall be of suitable age to give them competent care.

Regulation 3-412 - Education and Experience of Personnel/Head Teacher.
In day nurseries licensed for more than thirty children, the head teacher or other person responsible for planning and supervising the activities of the

children and promoting the development of teaching staff shall have successful completion of at least two years of training in an accredited college or university, including courses in early childhood education or related fields, and one year of experience in a child care or child teaching facility or service; or shall have had work experience or a combination of education and experience in the field of early childhood education that provides preparation equivalent thereto.

In day nurseries licensed for thirty children or less, the head teacher or other person responsible for planning and supervising the activities of the children shall at a minimum be a high school graduate, and shall have had work experience with children to qualify him for such responsibility.

In day nurseries where the person employed as director is responsible for only the administrative-executive responsibilities the head teacher shall be a person who meets the education and experience qualifications as defined above according to the size of the day nursery.

A person who is employed as a head teacher on the effective date of these rules and regulations is exempt from the specific educational requirements for his position provided such person can show evidence of continuing study in child care.

Teacher and Child Care Workers

In day nurseries licensed for less than thirty children the teacher who plans and implements the daily activities program or in a larger center the teacher who assists the head teacher shall have a minimum of a high school education or shall have passed an equivalency test and be enrolled in a course of study in child care approved by the State Department; or shall have had work experience in successful practice as a part of a two-year accredited course of study in child care as approved by the State Department, or a minimum of one year as a child care worker in a licensed day care center or other bona fide pre-school educational facility.

A child care worker should demonstrate the qualities needed for the position by having successfully cared for own children, or non-related children as a boarding home mother, or homemaker for a bona fide social or health agency, or by experience in a pre-school child care center or nursery school. A child care worker is not required to have a certain level of formal education but must be able to read, write and count, and shall be encouraged to improve his position by completing high school or passing an equivalency test.

All teaching and child care staff shall give evidence of continuing study and development in the field of early childhood education by attendance at workshops, by reading current literature, and by participation in the nursery's program of on-the-job training.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Regulation 3-412 - Education and Experience of Personnel/Director.
In day nurseries licensed for more than thirty children, the director shall have successful completion of four years of training in an accredited college or university, including courses in early childhood education or related fields, and

child care or child teaching facility or service; or shall have had a combination of such education and experience that provides the equivalent.

In day nurseries licensed for thirty children or less, the director shall have successful completion of at least two years of training in an accredited college or university, including courses in early childhood education or related fields, and at least one year of experience in a child care or child teaching facility or service; or shall have had work experience or a combination of education and work experience in the field of early childhood education that provides the equivalent thereto.

The director shall be required to demonstrate administrative ability and the ability to work effectively with adults as well as children, with staff, board members, parents and community.

If the director of a day nursery serves only in the capacity of an administrative executive carrying out responsibility for personnel, purchasing equipment and supplies, other fiscal matters, and supervision of maintenance, he need not meet the educational and experience requirements described above but must employ a head teacher who does meet such requirements, according to the size of the day nursery.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Regulation 3-415 - Volunteers.
Volunteers shall meet all the requirements and qualifications of the positions to which they are assigned. No volunteer shall be left in charge of a day nursery except in an extreme emergency.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Regulation 3-410 - Personnel Policies.
The day nursery shall provide each new employee immediate planned orientation to his job.

The day nursery shall provide continuing on-the job training for each employee as a part of the regular program of the nursery.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Regulation 3-417 - The Program.
The day nursery shall carry out a planned written program suitable to the needs of the children.

The program shall be designed with intervals of stimulation and relaxation, and a balance between periods of active play and quiet play or rest.

The program shall include outdoor play each day, except when the severity of weather makes a health hazard or when there is an individual reason for a child to remain indoors.

612. Program Equipment and Materials

Regulation 3-422 - Play Equipment.
Equipment, materials, and furnishings shall be provided for both indoor and outdoor play. They shall be of sufficient quantity for the number of children in attendance, and sufficiently varied to meet the developmental needs of the children according to their age and size.

Each day nursery shall have safe, non-toxic play materials and equipment from each of the categories listed below:

Paints (easel, poster & finger) crayons, scissors, paste, clay

Large blocks, boats, cars, planes, trains, figures of people and animals of various sizes

Picture and story books

Beds, dolls, toy stove, sink, refrigerator, cabinets, table, chairs, dishes, pots, pans, ironing board, iron, cleaning equipment (broom), dress-up clothes

Boxes, boards, saw-horses, barrels, climbers, ladders, balance beams, work-bench, sand, water, wheel toys, swings, slides, balls, bean bags

Pegs, beads, lotto, puzzles, pounding boards, small building sets

Piano, record player, drums, cymbals

Fish, gardening tools, dry batteries, magnets, compass, thermometer, rope and pulleys, magnifying glass

Separate play facilities shall be provided for two-year-old children and their play materials and equipment shall be appropriate to their age, size, and stage of development, and shall include devices to aid in the typical activities of this age group including climbing, simple building, taking things apart and fitting the pieces together again, picking up objects, pushing, pulling, pounding, looking at pictures, listening to music, kicking or rolling a ball, and imitating sounds and actions.

Separate play facilities shall be provided for school-age children as determined by the day nursery in consultation with the State Department.

613. Nap Provision

Regulation 3-419 - Physical Care.
An adequate supervised nap period shall be provided pre-school children after the noon meal.

> A firm and sanitary cot shall be provided for each pre-school child, with clean, individually marked covering sufficient to maintain comfort.
>
> Cots shall be spaced at least two (2) feet apart on all sides except where they touch the wall. Children shall lie in such a way that direct face-to-face positions are avoided.
>
> Aisles between cots are to be kept clear of all obstructions while cots are occupied. When they are not in use and the room provided for rest is used for play, the cots shall be stored in a clean, dry place.

Adequate supervised rest or quiet periods shall be provided midmorning, before the noon meal, and at other times as needed.

614. Discipline and Guidance

Regulation 3-419 - Physical Care.
The director shall not use, nor permit an employee or volunteer to use, corporal or other harsh punishment, or any humiliating or frightening method of discipline to control the actions of any child or group of children. Punishment shall not be associated with food, rest or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Regulation 3-427 Health Program.
The day nursery shall make definite and specific arrangements providing for the services of a physician to supervise and maintain an adequate health program for the children in the day nursery. Whenever the term "Physician" is used in these regulations pertaining to the licensure of day nurseries, the term shall mean a person holding an unlimited license to practice medicine in the State of Indiana.

The day nursery shall establish and maintain a health program that makes provision for all the requirements included in the State Department regulations 3-427 through 3-438 inclusive. Such program shall be stated in the form of written dated policies.

Prior to initial licensure and as often thereafter as requested by the State Department the written health program shall be submitted to the State Department on forms provided for this purpose. Such policies are subject to review and approval by the State Board of Health prior to the issuance of a license.

The health program shall be reviewed by the day nursery and the supervising physician every two years and any revisions shall be submitted to the State Department in writing for review and approval.

712. Health Assessments

Regulation 3-428 Pre-admission Health Procedures/Physician's Health Examination.

Each child shall receive a health examination by a physician within four weeks prior to admission to the day nursery, but no later than one week after admission.

The examination shall include the following:

History;

Physical examination;

An intradermal tuberculin skin test;

A written statement by the physician that the child is currently immunized against diphtheria, poliomyelitis, tetanus, measles, rubella, and if under age 6, also for whooping cough;

A written statement from the physician that in his opinion there is no health condition that would be hazardous either to the child or to other children in the day nursery as a result of participation in the nursery's program of activities;

A written statement from the physician regarding modification of plans of care for children who may require special attention because of medical conditions.

Regulation 3-429 Periodic Health Examination.
Health examinations of children, the same as required on admission, shall be repeated annually and whenever there is reason to suspect that a child participating in the program may have a condition hazardous or potentially hazardous to others or finds that the child's general condition indicates the need for such examination.

If a child frequently requires seclusion and special observation for fatigue, illness, or emotional upset, the nursery personnel should make available to the parents a complete report of their observations, and ask the parents to take him to a physician for a health evaluation.

713. Immunizations

See 712. Health Assessments

714. Sanitation

Regulation 3-451 Water Supply and Plumbing.
An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the State Board of Health.

Drinking fountains shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times. If drinking fountains are not available, individual single service cups shall be provided in a sanitary dispenser, and used only once.

All plumbing fixtures shall discharge to a public sanitary sewer whenever this type of public sewer is available. Any private sewage treatment system shall meet the requirements of the State Board of Health.

New plumbing equipment shall meet the requirements of the Administrative Building Council and State Board of Health.

Regulation 3-452 Maintenance and Housekeeping.
The premises of the day nursery shall at all times be maintained in a clean, neat and sanitary condition and in a good state of repair.

Rooms shall not be swept or dusted while occupied by children.

All garbage and trash shall be kept in tight, easily cleanable receptacles which are covered with close-fitting lids while pending removal, and shall be removed from the premises on a daily basis.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Regulation 3-430 Control of Communicable Diseases.
When a child is suspected of having a communicable disease, the director shall notify the day nursery's physician or the local health officer, and the parents.

When children in the day nursery are known to have been exposed to a communicable disease, prompt notice shall be given to the parents and to all staff members who also may have been exposed.

When a child is known to have been exposed to a communicable disease outside the day nursery, he shall be excluded from attendance at the day nursery for such time as is prescribed by the day nursery's physician or the local health officer.

Regulation 3-431 Readmission of Children Following Illness.
When a child returns to the day nursery following an absence, the nursery shall, before readmission, ascertain that the child does not have a condition which would contraindicate his participation in nursery activities.

Regulation 3-433 Care of Illness and Injury.
The day nursery shall establish written policies regarding first-aid for the care of illness or injuries. Such policies shall be dated, signed as approved by the physician and posted in a conspicuous place in the day nursery. Such policies shall be reviewed annually and revised as recommended by the physician.

Such policies shall include but not be limited to the following provisions:

A staff member who has basic knowledge of first-aid principles shall be present at all times.

There shall be immediately available:

A telephone and the telephone numbers of the day nursery's physician, and of an emergency facility that is qualified and has agreed to accept cases from the day nursery. The telephone number for ambulance service and the local fire department shall be posted by the telephone;

The Red Cross First Aid Manual or its equivalent;
First aid supplies, as specified by the day nursery's physician.

Children, upon arrival, shall be observed for signs of illness.

For children who are ill upon arrival or who become ill during the day, if they cannot be suitably cared for by the nursery, the nursery shall notify the parents or guardian in order to arrange for suitable care for the child. Children who are ill or injured shall be kept under observation by a staff member.

717. Medication and Special Diet Provisions

Regulation 3-435 Medication.
The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out special medical procedures, shall be done only on written order to prescription from a physician to the parents, or day nursery with the knowledge of the parents.

Medications prescribed for an individual child shall be kept in the original container bearing the original pharmacy label which shows the prescription number, date filled, physician's name, directions for use, and the child's name.

It shall be entered in the child's health record when medication is given and by whom administered.

Each day nursery shall assure that all medication be kept in a locked cabinet and stored in a safe place, not accessible to children.

Each day nursery shall provide that no person except a duly authorized and responsible member of the staff administers medications.

An accurate entry shall be made on the child's record form of all medications given.

When no longer needed, medication shall be returned to parents or destroyed.

718. Waiver of Health Requirements

Regulation 3-428 Pre-admission Health Procedures.
The requirements for a physical examination, immunizations and physician's statements shall be waived for children whose parents or guardians present the proper credentials to confirm that they, on behalf of themselves and their child(ren), rely in good faith upon spiritual means for the prevention or cure of illness and disease and remedial care of such child. Nothing in this provision precludes the nursery from using emergency measures to treat such child by first aid techniques as for any other child under care or to exclude a child where control of contagious disease may be necessary.

720. SAFETY

721. General Safety Requirements

Regulation 3-443 Design and Construction.
The day nursery shall be designed for the protection and well-being of children and staff.

Walls and ceilings shall be of washable materials and in light colors. All wood paneling shall be treated and comply with the following: Rooms shall have a Flame Spread rate of 0-75, and corridors shall have a Flame Spread Rate of 0-25.

Floors and steps shall be smooth and of washable, non-slippery materials. Small rugs shall not be used as floor coverings because of danger of slipping and falling. Where carpeting or carpeting and padding are used they shall have a Flame Spread Rate of 0-75. No furnishings or decorations of an explosive or highly flammable character shall be used. All decorative materials including curtains and draperies shall be flame retardant. Plastic waste baskets or other plastic containers are prohibited in the areas where children are located except for plastic bags used for sanitary disposal purposes.

Regulation 3-454 Safety.
Poisons and drugs or other harmful chemicals shall be kept under lock, and in a place inaccessible to children. Hazardous articles, materials, and equipment such as cleaning fluids, polishes, bleaches, detergents, matches, firearms, and tools shall be kept in a place inaccessible to children. First-aid supplies and medications shall be kept in a place inaccessible to children, but easily accessible to adults.

Radiators, registers, steam and hot water pipes and electrical outlets shall have protective covering or insulation for the protection of children.

Open grate gas heaters, open fireplaces, portable electric heaters, or other portable heaters, shall not be used by the nursery. If combustion space heaters are used they shall be installed with permanent connections and protectors and vented directly to the outside.

All windows and outside doors that are hazardous to children shall be equipped with screens or guards, which shall be attached in such a way that they may either be removed from the outside, or broken into from the outside in case of fire. Windows shall be readily openable from the inside without the use of tools.

Stairways used by children shall be equipped with guards at both the top and bottom.

All power equipment used by the day nursery shall be protected by adequate safety devices.

Plans shall be made for the protection of the children in the event of a natural disaster or enemy attack, in conformity with plans established for the locality by the Office of Civil Defense.

There shall be written posted procedures for disaster evacuations in case of fires and other emergencies which shall be taught to all staff as a part of their orientation. Fire drills shall be conducted monthly and noted in the records or reports of the nursery for review upon request of the fire inspector. Such fire drills should be planned with the help of the local fire department and periodically observed by such department.

722. Fire Safety Requirements

Regulation 3-453 Fire Protection.
All fire extinguishers shall be approved by the State Fire Marshal. The extinguishers shall be plainly visible and easily accessible at all times. The top of any extinguisher shall not be higher than five (5) feet above the floor level.

All hallways in the building shall be adequately and suitably lighted at all times and kept free of obstacles when children are present.

All stairways in the building which are used by children shall be provided with handrails within reach of children and maintained free of all obstructions. An arrangement of treads known as winders, which is defined as a circular staircase, and utilized as required means of egress is prohibited.

All wiring in the building shall comply with the provisions of the National Electrical Code as adopted by the Administrative Building Council and the State Fire Marshal and shall be approved by the State Fire Marshal.

All gas equipment and appliances in the building occupied by the day nursery shall comply with the Rules and Regulations of the Administrative Building Council and shall be approved by the State Fire Marshal.

Each nursery shall fully comply with the Rules and Regulations of the State Fire Marshal regarding liquified petroleum gas.

All flammable liquids shall be kept in tight or sealed containers when not in use, and shall be stored on the premises only in such quantities and in such rooms as are approved by the State Fire Marshal and in a place inaccessible to children.

The installation of fire escapes on all existing buildings shall be determined and approved by the State Fire Marshal. Fire escapes for new buildings shall comply with the Rules and Regulations of the Administrative Building Council.

The need for exit lights and emergency lighting shall be determined and approved by the State Fire Marshal.

The day nursery shall be kept free from fire hazards, and combust materials such as paper, rags, excelsior, and other combustibles shall not permitted to accumulate upon the premises. Dust and grease shall not permitted to accumulate on hoods above stoves and other equipment, storage areas shall be kept clean and free of any flammable substances.

The need for a fire alarm system shall be determined by the State] Marshal.

See also 721. General Safety Requirements

723. Transportation

Regulation 3-455 Transportation.
The nursery shall encourage parents to transport their children to and from nursery.

If a nursery provides transportation, it shall assume responsibility for a cl between the place where he is picked up and the nursery, and from the time leaves the nursery until he is delivered to his parent or to the responsi person as designated by his parents. No child shall be permitted to remai any vehicle unattended.

Any vehicle operated by a nursery shall be licensed in accordance with laws of the State of Indiana, and the operator thereof shall not be less t twenty-one (21) years of age and must hold a proper license to drive s vehicle.

All nurseries which provide transportation shall carry liability insurance adequately cover any and all children riding in the vehicle.

Vehicles operated by a nursery for the transportation of children shall be maintained in safe operating condition and be clean and free of obstructions on the floors and seats of the vehicle.

Children shall not be loaded or unloaded except from the curb side of the vehicle and at the curb.

Only that number of children and adults for whom there is comfortable seating space shall be transported in one vehicle. No child shall be permitted to stand in the vehicle when being transported. No more than three (3) persons including the driver shall be permitted to occupy the front seat of the vehicle.

Vehicles used for the transportation of children shall be equipped with seat belts that shall be in use at all times when the vehicles are in motion. They shall also be provided with safety door locks and the doors kept locked at all times while vehicle is moving. The doors shall be opened and closed only by the operator of the vehicle or by another adult occupant.

724. Safety Requirements for Equipment

Regulation 3-422 Play Equipment.
Equipment, materials and furnishings of the day nursery shall be of sturdy, safe construction, easy to clean, and free from hazards to the life or health of the children, whether for indoor or outdoor use. They shall be kept clean and in good, safe condition, free of sharp points or jagged edges, splinters, protruding nails, loose parts, rusty parts, or paint which contains lead or other poisonous materials.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

See 721. General Safety Requirements

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Regulation 3-440 Food Service.

Prior to initial licensure and as often thereafter as requested by the State Department a written plan for food service shall be submitted to the State Department on forms provided for this purpose, which plan will be subject to review and approved by the State Board of Health prior to licensure.

A written revised plan for food service shall be submitted to the State Department for such review and approval every two years, and each time the food service plan undergoes a major change by the nursery, or the day nursery changes ownership, or the nursery is requesting a change in license to include the care of children beneath the age of two (2) years.

A written plan for food service shall include menus for four weeks for breakfast, lunch and supper, and morning, afternoon and evening snacks, according to the program operated by the day nursery. The menus shall specify food by name (orange juice rather than juice), list method of preparation (baked perch or cod rather than fish), and indicate portion size of each food item. Such plan shall also describe whether food shall be served family style (with the teacher serving the children's plates), or by preserved plates, how second helpings will be handled, the number of children and adults to be seated at each table, size of tables and chairs, the type of dishes and utensils to be used, and the plan for presenting nutrition education to the children.

Feeding of Two-Year-Old Children

The same dietary allowances used as the accepted guide for feeding children three to six years of age shall apply to two-year-olds. Only the amounts served shall vary. Two-year-olds should not be expected to follow the same eating pattern as three-year-olds.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Regulation 3-440 Food Service.

The kitchen, all other food preparation areas and all food service areas shall be operated in compliance with the requirements of State Board of Health Regulation HFD-17, a copy of which shall be in the kitchen at all times for reference.

Cleaning schedule and procedures shall be posted and followed.

Dish and utensil washing shall comply with the following instructions set out by State Board of Health Regulation HFD-17:

> Spray-type dishwashing machines in which the water temperature is $180^{\circ}F$ shall be provided and used wherever washing and sanitizing are conducted mechanically.
>
> In day nurseries for 35 children or less, home style dishwashers may be used provided the temperature of the final or fresh rinse water can be maintained at $180^{\circ}F$ at the entrance of the manifold.

A three-compartment sink shall be provided and used whenever washing and sanitizing are conducted manually. Multi-use utensils and equipment shall be thoroughly washed in a detergent solution in the first compartment of the sink which shall be kept clean, and then shall be rinsed free of such solutions in the second compartment of the sink. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils are sanitized in the third compartment by one of the following two methods: Immersion for at least one-half (1/2) minute in clean hot water at a temperature of at least 170°F, which is maintained at such temperature in the third compartment by an automatically controlled water heater or other effective means (running hot water from a fixture to maintain this temperature is not considered satisfactorily meeting this requirement); or immersion for at least one (1) minute in a sanitizing solution containing a chemical sanitizing agent which has been demonstrated to the satisfaction of the Health Officer to be effective and nontoxic under use conditions, and for which a suitable field test is available;

Utensils and equipment are allowed to air dry prior to storing them in a clean and protective place;

Proper storage facilities for utensils and dishes shall be provided which will protect them from contamination.

Responsibility for Day Nursery Contracting Food Service from Food Service Vendor

Each day nursery which uses the services of a food service vendor shall continue to be responsible for its food service program including the quality and quantity of food which is served to each child under care, the submission to the State Department of the written plan for food service and meeting the requirements of this Regulation which relate to nutrition, meals and snacks, and menus;

Each nursery using vendor service shall have a written contract with such vendor which describes the responsibilities of the vendor and which incorporates the assurances that the vendor's food service business, food handlers and all premises used therein have been inspected and approved by local health authorities or by the State Board of Health for the purpose of providing food for day nurseries. Such contract shall be reviewed and revised as often as the nursery director deems necessary to protect himself and the children under care. Such contract shall be on file in the nursery for inspection by State Department and State Board of Health personnel upon request.

Menus prepared a week in advance and posted in the day nursery for meals and snacks shall be followed by the vendor in supplying food service.

The nursery shall have adequate refrigeration for food items requiring refrigeration which are delivered by the vendor to be served at a later time for snacks.

Upon receiving the food from the vendor, the day nursery shall check the temperature of the food with a dial type thermometer to see that:

Hot foods are 140°F or above;
Cold foods are 45°F or below;
Frozen foods are zero degrees Fahrenheit or below.

The nursery shall be responsible for the serving of the food to the children and for performing food service tasks under the following conditions:

Before employees handle and serve food they shall thoroughly wash their hands with soap and water and use individual towels for drying.

Day nurseries which do not have adequate and efficient facilities (commercial dishwasher) for washing and sanitizing utensils, shall obtain clean, sanitized glasses, chinaware, and flatware from the vendor; or use only single service articles (plates, knives, forks, spoons, cups). These should be of suitable shape and size for small hands.

Food shall be held at appropriate temperatures until served to children: hot food - 140°F or above; cold food - 45°F or below; frozen food 0°F or below.

Wet storage of food is prohibited, e.g., cartons of milk in ice.

Eating and serving surfaces shall be washed and sanitized before and after use.

All food left over shall be discarded and garbage and trash shall be disposed of in such manner as to minimize odors and not attract rodents and insects.

Cleaning schedules and procedures shall be posted and followed.

Proper storage facilities for utensils and supplies (single service articles, napkins, straws, cups) shall be provided. These shall be stored in closed cartons or containers which protect them from contamination.

See that all facets of food service meet the requirements of HFD-17.

Feeding of Two-Year-Old Children

Divided dishes that are heavy enough not to tip or slide easily shall be furnished for children eating at the table.

Weighted cups which are not easily overturned should be furnished, but soft plastic glasses in a small size (4 ounces) are acceptable.

Standard teaspoons or heavy plastic spoons shall be provided. Use of the spoon shall be taught in a relaxed and happy atmosphere.

Staff shall eat with the children. There should be no more than six children at each table.

Staff shall encourage food eating habits and enjoyment of food, but should not expect performance to equal that of three-year-olds. Finger foods are acceptable.

A master menu shall be posted in the feeding area as well as in the kitchen with a notation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Regulation 3-424 Interviews with Parents and Their Involvement in Activities. While the child is attending the day nursery, interviews with the parents shall be held as often as necessary by an appropriate qualified member of the nursery staff in order that the parents may be kept advised of the child's progress, achievements, behavior, signs of physical or emotional problems.

Visits by parents to the nursery while it is in operation shall be encouraged and their participation in the classroom sought on occasion.

Parents shall be encouraged to participate in committee work, in planning and carrying out projects, in evaluating the program, and in participating in social events.

Parents shall be encouraged to participate in learning experiences related to family life, child caring and rearing, and homemaking as planned by parent-staff committees.

Parents shall be invited to assist in transportation for field trips and to give other service to the nursery according to their individual skills and capacities.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS (Infant - Toddler Care)

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS (Infant - Toddler Care)

1130. INFANT NUTRITION

See DAY CARE CENTERS (Infant - Toddler Care)

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Regulation 3-436 Handicapped Children.
Day nurseries providing care for mentally or physically handicapped or emotionally disturbed children, shall avail themselves of appropriate professional consultation in order to meet the individual needs of each such child, and shall report such cases to the State Department.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITES

Regulation 3-418 The School Age Child.

The day nursery program for school age children shall be determined by the nursery in consultation with the State Department and shall meet the requirements of Regulation 3-414(6).

1320. HEALTH AND SAFETY REQUIREMENTS

See 1310. PROGRAM OF ACTIVITIES

1400. FACILITY REQUIREMENTS

1410. SPACE

Regulation 3-420 Indoor Play Area.

Low open shelves for play materials in daily use shall be provided.

An adequate number of tables and chairs shall be provided, of appropriate height and size for children's comfort and reach.

Sufficient clothes-hanging space shall be allotted and provided with hooks placed low enough and far enough apart to permit each child to hang up his own clothes and keep them separated from those of other children.

Convenient and adequate storage space shall be provided for both playroom and outdoor play equipment and materials.

Regulation 3-421 Outdoor Play Area.
The day nursery shall provide an outdoor play area, directly accessible from indoor facilities. In instances where the State Department determines there is need for a day nursery in a location where the outdoor play area is not directly accessible from indoor facilities, the nursery shall provide a play area which is safely accessible.

The play area shall be at least fifty (50) square feet for each child for whom the nursery is licensed.

The play area shall be safely enclosed or otherwise adequately protected.

The play area shall be free from hazards which might be dangerous to the life or health of the children. It shall be well-drained and kept free from broken glass and other debris, and flammable material.

The play area shall be designed so that all parts are visible and easily supervised.

A shaded area shall be provided by means of trees or other cover.

Regulation 3-442 Location of the Day Nursery.
No day nursery shall be located where any conditions exist that would be injurious to the physical or moral welfare of the children.

No day nursery shall be located in a private family residence unless that portion of the residence to which children have access is separate from the usual living quarters of the family.

No day nursery shall house, care for, or maintain children on a floor other than grade level except in a building as defined by the Administrative Building Council and the State Fire Marshal as a Type I structure. Children may be cared for on the second floor of Type II, III, or IV as defined by the Administrative Building Council and State Board of Health provided special requirements of the State Fire Marshal are complied with including the installation of a sprinkler system. Split level structures may be approved provided that there is an exit directly to grade level from the classroom area. These requirements apply to all day nurseries, but nurseries holding a license at the time these requirements become effective may have up to a maximum of one year from their effective date to comply.

Regulation 3-444 Play Rooms.

The day care nursery shall provide at least thirty-five square feet of indoor play space for each child for whom the day nursery is licensed. Such indoor play space shall be exclusive of kitchen, toilet rooms, isolation quarters, office, staff rooms, hallways and stairways, storage areas, lockers, laundry, furnace room, and floor space occupied by permanent built-in cabinets.

Separate play rooms or separated areas in play rooms shall be provided for the various types of activities required by the day nursery program and for the separation of children as supervised according to age and maturity. Separate play space shall be provided two-year-olds and for children of school age.

Regulation 3-445 Kitchen.

The kitchen and any other food preparation area shall be separate from areas used for any other purpose and shall be so located that the children and persons not assigned food handling responsibilities can gain access to play, dining, bathing, toilet, hand-washing, or other areas in the nursery without going into or through the kitchen. The kitchen shall not be used for children's play activities or naps or for a dining or recreational area for adults.

The kitchen and other food preparation area shall be constructed and equipped to provide for the safe storage, preparation, and service of food. Food preparation areas shall be so located or equipped with temperature control equipment that food temperatures can be maintained that are suitable to the particular food being served. All such areas and equipment shall comply with the requirements of State Board of Health Regulation HFD-17.

Regulation 3-447 Isolation Quarters.

Day nurseries shall provide and use a room for the separation from the group of any child having or suspected of having a communicable disease or any illness. This room shall not be used for any other purpose by the children while being used as isolation quarters and shall be closed off from other rooms. Toilet and lavatory facilities shall be located within or near the room.

Regulation 3-448 Office and Staff Rooms.

Office space separated from the areas used by the children shall be provided for interviewing, conferences, making and keeping records, and the handling of business. Space and equipment shall be adequate for the administrative and staff needs of the day nursery. Telephone service shall be provided.

A room separated from the areas used by the children shall be provided for the use of the staff during rest periods.

Regulation 3-449 Furnace Room.

The furnace room or room containing any central heating equipment shall be constructed in accordance with the rules and regulations of the Building Council, and shall be subject to the State Fire Marshal's approval.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Regulation 3-450 Heat, Light and Ventilation.
Heating and ventilation shall comply with the heating and ventilation code of the Administrative Building Council and the State Board of Health. The heating system shall be approved by the State Fire Marshal in existing facilities.

All rooms used for eating, living or napping purposes shall be provided with light and ventilation by means of windows of sufficient number to adequately fulfill their function of providing light and air. In air conditioned and mechanically ventilated buildings the number of windows may be reduced but not to the extent children are unable to observe the outside during indoor activities.

When natural light is insufficient, it shall be supplemented by artificial light, properly diffused and distributed so that adequate light is available at all times in rooms, halls and stairways.

Adjustable shades or curtains shall be provided and used for protection from glare and to promote an atmosphere conducive to sleep at nap time.

All windows, doors, ventilators, and other outside openings shall be protected against insects by securely fastened 16-mesh screening, as the season requires.

Areas used by the children shall be heated when the temperature falls below 68°, so that a temperature of 68° to 72° within two (2) feet of the floor is maintained during seasons when heat is necessary.

1430. EXITS

Regulation 3-443 Design and Construction.
No day nursery shall be located in any building that is not provided with at least two exit doors which open in the direction of exit travel directly to the outside from the first floor of the building. The aisle leading to these doors shall be kept free from obstacles at all times and shall be a minimun of 44 inches in width. Such doors shall be provided with panic release hardware when required by the State Fire Marshal. Vertical sliding doors and rolling shutters shall not be used in any opening leading to outside exit doors.

1440. TOILETS AND LAVATORIES

Regulation 3-446 Toilet Facilities.
The day nursery shall provide inside toilet rooms equipped with securely fastened and supported wash basins with hot and cold running water and with flush toilets. Toilet rooms shall be located on the same floor as inside play areas and in close proximity to inside and outdoor play areas.

The nursery shall provide a minimum of one (1) wash basin and one (1) flush toilet for each fifteen (15) children for which the nursery is licensed. The same toilet facilities shall not be used by school-age children of opposite sex, and toilets for school-age children shall be separated by partitions.

When new facilities are being installed, child-size toilets and child-size wash basins shall be used.

If child-size toilets and wash basins are not available, steps or platforms shall be provided for small children to encourage self-help and independence. If a class of two-year-old children is included in the center, toilet-training chairs or nursery seats shall be provided with approved sanitizing procedures observed after each use.

Toilet facilities shall be furnished for the staff and other adults separate and apart from those furnished for the children.

All handwashing facilities shall be provided with automatic hot water control valves that will not permit the hot water temperature at the point of use to exceed 120°F.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

IND. CODE ANN. §12-3-2-12-6 (42-1316b) Day nursery zoning.
For zoning purposes, classification for a church shall be deemed adequate zoning for providing day-care services.

1520. FIRE

Regulation 3-441 Conformity with State and Local Housing Requirements.
Any structure in which a day nursery is located shall meet the requirements of the State Board of Health, State Fire Marshal, and Administrative Building Council.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

See 1520. FIRE

Except where otherwise noted, all citations are from the Rules and Regulations of the Indiana Department of Public Welfare, Title 3 - Child Welfare Services, Chapter 4 - Licensing Day Nurseries — Infant-Toddler Care, October 18, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Regulation 3-460 Definition of Infant-Toddler Care.
For the purpose of these regulations infant-toddler care in a day nursery is defined to be the program of child care planned specifically to meet the needs of children from the age of six (6) weeks to two (2) years, and which, although provided in a group care environment, is individual care for each child planned especially for him according to his specific needs, and which provides for the care, protection and comfort of his body, for the growth of his mind, and for his social and emotional development.

For the purpose of these rules and regulations an infant is defined to be a child from six (6) weeks of age to the time he is beginning to walk, and a toddler is defined to be a child from the time he is beginning to walk to age two (2) years.

112. Exclusions and Exemptions

See DAY CARE CENTERS
(Day Nurseries)

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS
(Day Nurseries)

122. Responsible Official

See DAY CARE CENTERS
(Day Nurseries)

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS
(Day Nurseries)

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Regulation 3-461 License for Infant-Toddler Care.
In order for a nursery to provide infant-toddler care it shall meet the requirements of State Department Day Nursery Regulations inclusive of those numbered from 3-401 through 3-456 and 3-460 through 3-472. Whenever there is any conflict in requirements, the requirements contained in Regulations 3-460 through 3-472 which relate to the requirement shall prevail.

A license issued to a nursery approved to provide infant-toddler care shall have entered on its face that the nursery is licensed to care for infants and toddlers, and shall show the maximum number of each age group for whom the nursery is permitted to provide care.

Day nurseries which meet requirements for a license to provide infant-toddler care may elect to include a group of two-year-olds as a separate unit within the infant-toddler section; if this arrangement is approved by the State Department the face of the license shall so indicate and give the maximum number of two-year-old children for whom the nursery can provide care in the infant-toddler section.

Subject to the prior approval of the State Department, a nursery licensed to care for toddlers may continue caring for a particular toddler in his child care group for a reasonable length of time beyond his second birthday if the child has a special need for uninterrupted care. Such care shall not be continued beyond sixty days at which time the child must be transferred to the nursery's two-year-old group if he continues in the nursery's care.

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS
(Day Nurseries)

224. License Renewal

Regulation 3-461 License for Infant-Toddler Care.
The license issued for infant-toddler care is subject to annual renewal and may be revoked for any of the reasons any other day nursery license may be revoked.

225. Conditional/Provisional Licenses

See DAY CARE CENTERS
(Day Nurseries)

226. Substantial Compliance

See DAY CARE CENTERS
(Day Nurseries)

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS
(Day Nurseries)

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS
(Day Nurseries)

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS
(Day Nurseries)

233.2 Decisions

See DAY CARE CENTERS
(Day Nurseries)

233.3 Judicial Review

See DAY CARE CENTERS
(Day Nurseries)

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Not specified

312. Telephone

See DAY CARE CENTERS
(Day Nurseries)

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS
(Day Nurseries)

314. Insurance

See DAY CARE CENTERS
(Day Nurseries)

320. PERSONNEL

321. Publication of Personnel Policies

See DAY CARE CENTERS
(Day Nurseries)

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Regulation 3-466 Program of Infant-Toddler Care - Charts and Records.
Each day nursery shall devise a daily child care chart to be posted on the wall in a conspicuous place in each infant and toddler room for the purpose of reminding child care staff of individual and special health needs of children in the group. This chart shall be amended as often as necessary to keep it current, and shall have sufficient space for child care staff to note or to check information which is important to record for each child, such as medication which has been given, diarrhea, vomiting, continuous hunger, refusal of feeding, nose bleeds, injuries, skin rash or elevated temperature.

Each day nursery shall devise a plan for periodic recording of observations by the child care personnel of changes in each child's behavior and responses as an indication of intellectual, physical, emotional and social development or needs.

The person in charge of the infant-toddler section shall be responsible for implementation of the plans for keeping charts and records, and for use of such records to plan interviews with parents and to evaluate program goals.

Regulation 3-468 Health Program.
Parents shall be required to furnish the nursery with confirmation of immunizations, health examinations, and other care provided by the child's physician which will have a bearing on the child's care by the nursery, and the information shall become a part of the child's record.

342. Staff

See DAY CARE CENTERS
(Day Nurseries)

343. Child Eligibility and Enrollment Requirements

See DAY CARE CENTERS
(Day Nurseries)

344. Child Abuse Reporting

See DAY CARE CENTERS
(Day Nurseries)

345. Confidentiality of Records Requirements

See DAY CARE CENTERS
(Day Nurseries)

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Regulation 3-463 Staff Ratios.
Insofar as it is possible, each infant shall be cared for by the same staff member, especially for feeding and diapering and during the periods when he is falling to sleep and is awakening.

The maximum number of infants per staff member providing direct care of children shall not exceed four.

The maximum number of toddlers per staff member providing direct care of children shall not exceed five.

In no instance shall a group of infants or toddlers have less than two staff members responsible for them, one of whom shall be free of all other responsibilities while caring for the children.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratios as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Regulation 3-462 Personal Qualifications of Child Care Staff.
The staff person in charge of an infant-toddler group shall be at least 21 years of age, and those working under such person who have not yet attained that age shall at no time be alone with the children and responsible for them.

512. Health

See DAY CARE CENTERS
(Day Nurseries)

513. Education

Regulation 3-462 Personal Qualifications of Child Care Staff.
Infant-toddler care personnel shall have the same educational qualifications as those designated for the respective day nursery personnel positions as provided in Regulations 3-411 and 3-412, except that successful completion of training as a registered nurse or licensed practical nurse and experience in a nursery or

pediatric ward of a licensed general or special hospital may be substituted on a year for year basis for the education and experience required in such regulations.

See also DAY CARE CENTERS

514. Experience

Regulation 3-462 - Personal Qualifications of Child Care Staff.
Persons caring for infants and toddlers shall be competent and reliable and in good physical and mental health; shall give evidence of an understanding of the physical, emotional and social characteristics and needs typical of each stage of growth and development of children through the age of two; and shall demonstrate the capacity for patience and warmth in their relationship with this age group.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS
(Day Nurseries)

522. Health

See DAY CARE CENTERS
(Day Nurseries)

523. Education

See DAY CARE CENTERS
(Day Nurseries)

524. Experience

See DAY CARE CENTERS
(Day Nurseries)

530. SUPPORT STAFF QUALIFICATIONS

See DAY CARE CENTERS
(Day Nurseries)

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See DAY CARE CENTERS
(Day Nurseries)

542. Child Caregiver Staff

See DAY CARE CENTERS
(Day Nurseries)

543. Support Staff

See DAY CARE CENTERS
(Day Nurseries)

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Regulation 3-466 Program of Infant-Toddler Care - Individual Program of Child Care.

The program of care for each child shall be planned prior to his admission by the nursery director or person in charge of the infant-toddler section, in cooperation with an experienced child care worker on the staff of the nursery and the parent in order to assure consistency of care between the child's home and nursery and that each child's daily nutrition, physical, developmental and special needs will be met. All special instructions regarding the child's plan of care shall be recorded and become a part of his record and a copy shall be given to child care staff as a guide in caring for the child.

Relationship of Child Care Personnel to Each Child.

It shall be the duty of the child care personnel to carry out the detail of each child's daily program of care.

Each child shall be under the direct supervision of a responsible staff member at all times.

Child care personnel shall give each child a sufficient amount of time and attention to fully meet the child's individual needs.

Child care personnel shall handle each child in a manner that will promote his growth and development, shall speak in pleasant tones in the nursery, and shall teach children in a gentle, firm and consistent manner about dangers.

Daily Activities for Infants and Toddlers.

Each child shall be provided experiences which help him to develop his capacity to relate to people and his awareness of his environment and of himself as a person.

Activities offered the child shall be based on his physical maturity, individual sensitivities and strengths, individual need for periods of rest and stimulation, individual need to interact with adults and children, and individual ability to cope with stress.

The daily activities for infants and toddlers shall be planned ahead and shall consist of but not be limited to activities from each of the following categories, according to the child's maturity and developmental needs:

Gross motor and fine motor activities;
Visual-motor coordination activities;
Language development activities;
Development of other communication skills;
Direct experience with materials;
Activities which foster social and personal growth through individualized care by consistent mothering figures;

Experiences which encourage the development of exploration and satisfaction of curiosity;

Activities which help to develop organizing and categorizing skills.

Both infants and toddlers shall be taken out of doors daily when the weather permits. Among their activities should be watching older children at play, observing and listening to surroundings, and engaging in whatever play is appropriate and safe for their age.

Regulation 3-467 Physical Care - Toileting and Care and Diapers.
A child shall be handled gently and spoken to lovingly while being changed.

Time of bowel movements shall be entered on the daily chart, as well as other significant observations such as signs of constipation or diarrhea.

Toilet Learning for Toddlers.
Planning how to help the child to use the toilet for bowel and bladder control shall be done with the child's mother. The nursery shall discourage the mother in any effort to start this learning process until the child shows a readiness for and interest in keeping dry and clean, and demonstrates the ability to respond to teaching efforts. This learning shall never be forced, and shall be handled with consistency within the nursery, and so far as feasible, between the nursery and the home.

The child's responses to such learning shall be discussed with the mother so there will be coordination between the learning procedures at the nursery and at home.

Learning toilet habits shall take place in a pleasant, relaxed atmosphere. A child shall never be forced to remain on the toilet for a prolonged period of time. There shall never be punishment given for failure to conform or for wet or soiled clothing.

There shall be provided a sufficient supply of clothing to keep children dry and clean during the training process. If parents provide the extra clothing, each child shall have a separate container for his clean personal items and a separate container for his soiled clothing.

612. Program Equipment and Materials

Regulation 3-464 Infant-Toddler Section, Space & Furnishings. - Space & Furnishings for Infant Care

Each infant room shall be equipped with a crib with a firm mattress and individual bedclothes for each infant; a sufficient number of swings, walkers, play pens and high chairs to meet the needs of the infants; a rocking chair for each child care worker; and a lavatory.

Space & Furnishings for Toddler Care.
Each toddler activity room shall be equipped with stabilized low, open shelves for toys; a sufficient supply of toys, child-size tables and chairs, high chairs and other play equipment to meet the activity needs of each toddler; at least one rocking chair for child care workers; and a lavatory if feasible.

Furnishings for Feeding.
An adequate number of tables and chairs, high chairs with a broad base and harness for securing the child, or feeding tables with harness shall be provided according to the age and development of the child. Tables and chairs shall be of an appropriate height and size for the children's comfort and reach.

Regulation 3-465 Environment and Equipment for Activities.

The indoor and outdoor environment shall be such to invite physical activity, learning and experimentation according to the child's age, and shall include play objects that the child can use independently and that respond to his actions.

The nursery room for infants shall be so decorated and equipped as to create an environment that is quiet and restful, yet colorful with curtains, pictures and play objects.

Play equipment for infants shall include articles to handle and play with which are washable and there shall be a sufficient number for each infant to be given four or five different articles during the day.

Play equipment for toddlers shall include a variety of toys and materials, sufficient in number to allow each child a selection of two or more at any one time. Play materials and equipment shall be provided from each of the following categories:

Art supplies: Paper, large crayons
Blocks: Light weight, sturdy blocks of a size easy to handle
Books: Cloth picture books
Manipulative Toys: Pounding boards, push and pull toys, stacking toys
Music: Child record player and child records, toy xylophone, bells, other musical toys
Washable cuddly toys

Equipment for use outdoors shall include:

> Strollers, jumping chairs, play pens, and infant carriers as necessary to provide a safe and comfortable place for each infant, according to his age and degree of physical activity, and small riding toys, safe swings, low climbing structures, slides, push and pull toys, and balls for toddlers.

613. Nap Provision

Regulation 3-464 Infant, Toddler Section, Space and Furnishings - Space & Furnishings for Toddler Care.

Each toddler shall have a separate cot with individual bedclothes. Toddlers may sleep in their activity room or in a separate room not used by any other group of children. There shall be at least two (2) feet of space between cots. If the activities room is used for sleeping, cots shall be stored in a separate room or in a closet when not in use.

A nursery may elect to use cribs for toddlers. If cribs are used, the space taken by the cribs shall be in addition to the 35 square feet of play space required for each child, with three (3) feet of space allowed between cribs.

Regulation 3-467 Physical Care - Sleeping and Care of Bedding.
Sleeping periods shall be scheduled according to the age and needs of individual children. When children are sleeping there shall be reasonable quiet and subdued light.

An adult caretaker shall be present in the infant room at all times, even if all the infants are asleep, to observe them and give them the attention and protection they need.

An adult caretaker shall be present in or sufficiently close to the room where toddlers are sleeping, to observe them at all times and to give them the attention and protection they need.

During nap time if only one adult caretaker is with a group of children, there shall be at least one other available staff member within calling distance so that no child will be left unattended at any time.

614. Discipline and Guidance

See DAY CARE CENTERS
(Day Nurseries)

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

See DAY CARE CENTERS
(Day Nurseries)

712. Health Assessments

Regulation 3-468 Health Program.
Each infant and toddler accepted for care shall have a written statement from a physician including current immunization status, and formula and food requirements.

An intradermal skin test shall be required for each child at one year of age, and yearly thereafter.

Immunizations required in Regulation 3-428.1(d), booster immunizations and periodic health examinations, shall be required in accordance with the recommendations of the child's physician.

See also DAY CARE CENTERS

713. Immunizations

See 712. Health Assessments

714. Sanitation

Regulation 3-464 Infant-Toddler Section, Space & Furnishing - Floor Covering.
The floor covering in infant and toddler rooms shall be easily cleanable and safe for crawling, creeping, walking, and playing. Throw rugs are not permitted. Carpeting and padding shall have a flame spread rating of between 0-75 and shall be vacuumed daily when children are not present, and shampooed as frequently as necessary to keep them clean.

Regulation 3-467 Physical Care.
Each child shall have prompt and adequate physical care.

There shall be adequate hygienic care given each child, including hand and face washing and body cleansing as necessary to assure that each child is kept clean. An adequate supply of soft washcloths and towels shall be provided and each washing of a child shall be done with a clean cloth and towel. Soiled cloth washcloths and towels shall be laundered in the same manner as bedding. Disposable towels are preferred.

All child care personnel shall practice good personal hygiene and shall wash their hands before and after each child care duty including individual feedings, bathing, and diapering, and there shall be adequate facilities and supplies for this.

Sleeping and Care of Bedding.
All bed clothing shall be changed immediately when wet or soiled, and otherwise once each day. Bedclothing shall be laundered before being used again.

All bedding shall be laundered in water above 160 F for at least 25 minutes.

Soiled bedding shall not be allowed to accumulate for longer than 24 hours before laundering.

If commercial laundry service is used, an adequate supply of bedding shall be in reserve at all times to allow for delays in laundry pick-up and delivery.

Toileting and Care and Diapers.
If a child is changed in his crib, a clean pad shall be used during the changing to protect bedding or a fresh sheet shall be provided after each changing.

If a common changing table is used, there shall be a soft washable padding on the table with a clean strip of waterproof, disposable paper to cover it. A fresh protective strip shall be placed on the pad after each diaper change.

The child's body shall be properly cleansed when changed. The supervising physician shall approve skin care procedures used by the nursery, and care shall be taken to prevent contamination of common supplies.

There shall be a sufficient supply of diapers available at all times so that each child can be kept clean and dry. Disposable diapers are preferred.

If disposable diapers are used, soil shall be immediately rinsed from them in a flush stool and they shall be stored in a tightly covered sanitary container in a plastic bag. The bags shall be tied tightly and removed from the nursery premises at the close of each day. If there is an approved incinerator available bags shall be burned. If an incinerator is not available the bags shall be disposed of daily in the same manner as used to dispose of unburnable trash.

If the parent furnishes disposable diapers the supply shall be brought to the nursery in unbroken packages, stored separately, and designated as the diaper supply for the individual child.

If cloth diapers are used, soil shall be immediately rinsed from them in a flush stool.

If cloth diapers are furnished by the nursery they shall be laundered by a laundry service and shall be washed separately from other nursery linen. Between pick-ups they shall be stored in tightly covered sanitary containers in a condition which meets other requirements of the laundry service. Special care shall be taken in the washing so that diapers will remain soft and free from any substance such as strong soaps or chemicals or harmful bacteria that might irritate or be absorbed through the infant's skin.

If cloth diapers are furnished by the parents, the supply for each child shall be kept separate from diapers used for other children. The soiled ones shall be stored through the day in a tightly closed container after proper rinsing and shall be returned to the parent daily.

A deodorizing solution or granules should be used in diaper containers, and when emptied such containers shall be cleaned and disinfected.

715. Daily Illness Screening
See DAY CARE CENTERS
(Day Nurseries)

716. Care of Sick Children
See DAY CARE CENTERS
(Day Nurseries)

717. Medication and Special Diet Provisions

See DAY CARE CENTERS
(Day Nurseries)

718. Waiver of Health Requirements

See DAY CARE CENTERS
(Day Nurseries)

720. SAFETY

721. General Safety Requirements

Regulation 3-465 Environment and Equipment for Activities.
All articles which the infant or toddler is given to handle shall be non-toxic, safe to put in the mouth, large enough that they cannot be swallowed, and shall be without sharp edges or corners.

Regulation 3-471 Safety.
In addition to the requirements of Regulation 3-454, there shall be sufficient staff on duty at all times, who have been trained by local fire officials in evacuating infants and toddlers from the nursery, to evacuate the number of such children under care at any time a fire might occur.

Furniture that could be pulled over by toddlers shall not be accessible to them.

All areas, surfaces and items including toys, cribs, jumpers and play pens with which infants, including crawlers and toddlers, will come in contact shall be free of any residual pesticides and paint containing lead or other harmful materials or finishes.

722. Fire Safety Requirements

See DAY CARE CENTERS
(Day Nurseries)
See also 721. General Safety Requirements

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723. Transportation

See DAY CARE CENTERS
(Day Nurseries)

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Regulation 3-469 Accidents and Sudden Illness.
All staff members who have direct contact with infants and toddlers shall have basic knowledge of current first aid procedures, particularly control of bleeding, treatment for shock, and artificial respiration.

See also 721. General Safety Requirements

727. First Aid Supplies

See DAY CARE CENTERS
(Day Nurseries)

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Not specified

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Regulation 3-470 Food Service.
Food service requirements of Regulation 3-440 shall be observed, except that food vendor service shall not be used for infant feeding.

Individual Feeding Plan.
Prior to admission, a feeding plan shall be established for each infant or toddler in consultation with his parent and based on the recommendations of the child's pediatrician or family physician.

When a parent does not have the child under the supervision of a pediatrician or family physician, the feeding plan shall be established in consultation with the parent and the nursery's supervising physician.

During bottle feedings, infants shall be held in the arms of adults familiar to them in a quiet relaxed environment that will make feeding time a pleasant experience.

Formulas and Care of Bottles.
The nursery shall not use formula prepared by a child's parents. Unopened commercial formula may be provided to the nursery by the parents.

Commercially prepared formula, pre-mixed and ready-to-feed, shall be provided. This formula shall be stored at the temperature recommended on the container. It shall be stored only in a designated food storage area which meets regulation HFD 17 and shall not be used beyond the expiration date on the container.

The day nursery shall use one of the following plans for serving commercial formula:

Commercially pre-filled, individual disposable nursers with attached pre-sterilized disposable nipples may be used.

Cans of commercially prepared formula, pre-mixed and ready-to-feed, may be used, from which the formula shall be poured directly into a sanitized bottle, or into a sanitized nurser hull with a sterile disposable liner, to which a sanitized nipple shall be affixed.

Remaining portions of formula that have never been poured from the original containers may be stored at 40 Fahrenheit in a refrigerator located in the infant food preparation room for no longer than 24 hours.

If a day's supply of bottles is prepared at one time, each bottle shall be covered and labeled, and shall be stored at 40 Fahrenheit in a refrigerator located in the infant food preparation room for no longer than 24 hours.

Any formula remaining in a nurser after a feeding shall be discarded.

All permanent ware bottles and reusable nipples shall be washed and sanitized after each use.

Milk.

When the physician indicates that an infant is to receive cow's milk, he shall indicate whether to use whole or half-skim (2%) milk which has been homogenized, pasteurized and vitamin D fortified. Use of powdered dry milk is not allowed.

Milk shall be poured from the original container at feeding time directly into the sanitized bottle or training cup, and all unused portions of an individual feeding shall be discarded.

Milk shall be stored at 40 Fahrenheit in a refrigerator located in the infant food preparation room.

A clean sanitized training cup shall be provided for each child who is old enough and ready to drink from it.

Sanitizing Procedures.

Sanitizing of nursery hulls, training cups, plates, trays, silverware and other utensils shall follow procedures of Regulation 3-442(10).

Additional care shall be given permanent ware bottles, nipples, collars, caps, expanders and tongs as follows:

> Pre-wash in hot detergent water. Scrub bottles and nipples inside and out with bottle and nipple brush. Squeeze water through nipple hole during washing. Rinse well with clean, hot water.
>
> Boil in clear water: bottles for five minutes; nipples and caps, collars, expanders and tongs for three minutes; air dry.
>
> Store in clean, covered container.
>
> Hands shall be clean and care taken in handling techniques to prevent contamination of clean bottles and nipples.

All procedures relating to infant feeding by the day nursery shall be established according to the recommendations of the nursery's supervising physician, taking into account the ages and needs of the individual children in care.

Water.

If the physician indicates that sterile water shall be offered the infant in addition to his formula, a home sterilizer may be used to sterilize water, bottles and nipples in one procedure.

Solid Foods.

Foods, commonly known as "baby food," (cereals, strained or chopped meats, vegatables and fruits) shall be commercial products purchased by the nursery from an approved source. In certain situations equivalent foods may be prepared in the nursery, or brought to the nursery by the parent in the form of unopened commercial products.

After commerical containers have been opened, the jars shall be covered, dated and refrigerated. Contents of opened jars shall be used within 24 hours or shall be discarded.

If a child is fed directly from the jar, no other child shall be fed from the same jar and any such jar shall be labeled with the child's name if stored for next feeding.

Only unopened commercial products may be furnished by the parents.

Food prepared at the center shall be used within 24 hours of its preparation and shall be stored in the refrigerator in covered, sanitized containers.

The feeding plan for each child as required in Regulation 3-470(2) shall be updated periodically by the physician in consultation with the parent. This plan shall include:

> The kind and amount of food to be offered;
>
> The appropriate time food is to be offered, and the schedule for supplements such as juice, cereal, sterilized water;
>
> The limitation on vitamins or any other type of food supplement or medication which shall be given only on the written order of a child's physician.
>
> The feeding plan for each child shall be kept in the child's file, and a copy shall be posted for the use of food service persons responsible for that child's feeding.

A variety of foods as to taste, color and texture shall be offered each child.

Transition to Table Foods for Toddlers.
A master menu for meals and snacks shall be prepared one week in advance, and planned to include all the dietary needs of children who are being introduced to table foods, and shall be kept on file as served for one year.

The menu shall be posted in the kitchen where the food is prepared, as well as in the area where the children are fed, and where it can be reviewed by the parents.

There shall be a special menu posted for each individual child who does not partake of the total meal as planned or who has special dietary needs.

The growing child should be encouraged to learn to feed himself with a spoon, but should also be allowed finger foods. Protective covering for the floor and child shall be supplied and the child's hands and face shall be washed before and after meals.

Appropriate furniture and eating utensils shall be provided so that each child has his own comfortable place for feeding at the time he should be fed. When a child is able and seems ready to adjust to eating with others at a table, he may be placed at a child's table with no more than three other children under the supervision of an adult. At all meals, one adult shall be seated at the table to supervise no more than four children.

There shall be a continuing exchange of information between parent and child care worker regarding how the child is eating, his new eating skills, and the new foods he enjoys.

See DAY CARE CENTERS (Day Nurseries) - 821. Food Preparation and Service Requirements

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Regulation 3-472 Interviews with Parents.
The nursery shall devise a plan for daily contact and planned periodic interviews with the child's parents in which there is interchange of information about the child to assure continuing consistency of child care and mutual awareness of the child's progress, development, and problems. This plan shall be supervised by the person in charge of the infant-toddler program. Child care workers shall actively participate in the parent-nursery daily contacts and in the planned interviews.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS
(Day Nurseries)

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

Regulation 3-464 Infant-Toddler Section, Space & Furnishings - Infant-Toddler Section.

The program of care for infants and toddlers shall be conducted in a section of the nursery which is separated from areas used for older children.

The infant-toddler section may consist of as many separate groups of no more than eight (8) infants and separate groups of no more than ten (10) toddlers as the nursery has sufficient available space, equipment, lavatories, toilets, and staff as determined by the requirements of these regulations.

Space & Furnishings for Infant Care.

No more than one group of eight (8) infants may be cared for in the same room. The room shall be of a size to provide no less than 35 square feet of floor space per infant with sufficient additional space as required for necessary equipment and for staff to comfortably perform child care duties. The space for a crib for each infant is included in the 35 square feet of required space per infant. There shall be at least three (3) feet between cribs.

Adequate storage space for infant supplies and the personal belongings of each infant shall be furnished and shall be in or easily accessible to the infant room.

Space & Furnishings for Toddler Care.

No more than one group of ten (10) toddlers may be cared for in the same room. Such room, referred to as the toddler's activity room in these regulations, shall provide a minimum of thirty-five (35) square feet of play space for each toddler.

Outdoor Activity Area.

An outdoor activity area shall be provided which is appropriate and sufficient in size for infants and toddlers. This shall be enclosed to assure safety, and shall be separate from space used by older children. If the enclosed play area must be shared with older children, a schedule shall be arranged for its use for infants and toddlers at separate times.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See DAY CARE CENTERS
(Day Nurseries)

1430. EXITS

See DAY CARE CENTERS
(Day Nurseries)

1440. TOILETS AND LAVATORIES

Regulation 3-464 Infant-Toddler Section, Space & Furnishings - Lavatory and Toilet Facilities.

The infant-toddler section shall have its own lavatory and toilet facilities.

There shall be a minimum of one changing table, one flush toilet and one lavatory for each group of infants and for each group of toddlers, and these shall be easily accessible to the child care staff. Nursery seats or toilet chairs shall be provided for children learning toilet habits. A nursery may elect to change infants in their individual cribs. If so, a changing table is not required.

Sanitizing procedures shall be observed for toilets, toilet chairs, nursery seats and lavatories.

Soiled clothing shall be kept in tightly closed, individually marked plastic bags. All soiled clothing shall be handled in such a way that clean clothing is not contaminated.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS
(Day Nurseries)

1520. FIRE

See DAY CARE CENTERS
(Day Nurseries)

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1530. BUILDING

See DAY CARE CENTERS
(Day Nurseries)

1540. HEALTH

See DAY CARE CENTERS
(Day Nurseries)

1550. SANITATION

See DAY CARE CENTERS
(Day Nurseries)

1560. NEW CONSTRUCTION

See DAY CARE CENTERS
(Day Nurseries)

Except where otherwise noted, all citations are to the Iowa Department of Social Service Handbook, Chapter 109 - Child Care Centers, July, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

IOWA CODE §237A.1 Definitions.
"Child day care" means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative or custodian for periods of two hours or more and less than twenty-four hours per day per child on a regular basis in a place other than the child's home.

"Child care center" or "center" means a facility providing child day care for seven or more children.

"Child day care facility" or "facility" means a child care center or registered family day care home.

"Licensed center" means a center issued a full or provisional license by the department under the provisions of this chapter or a center for which a license is being processed.

112. Exclusions and Exemptions

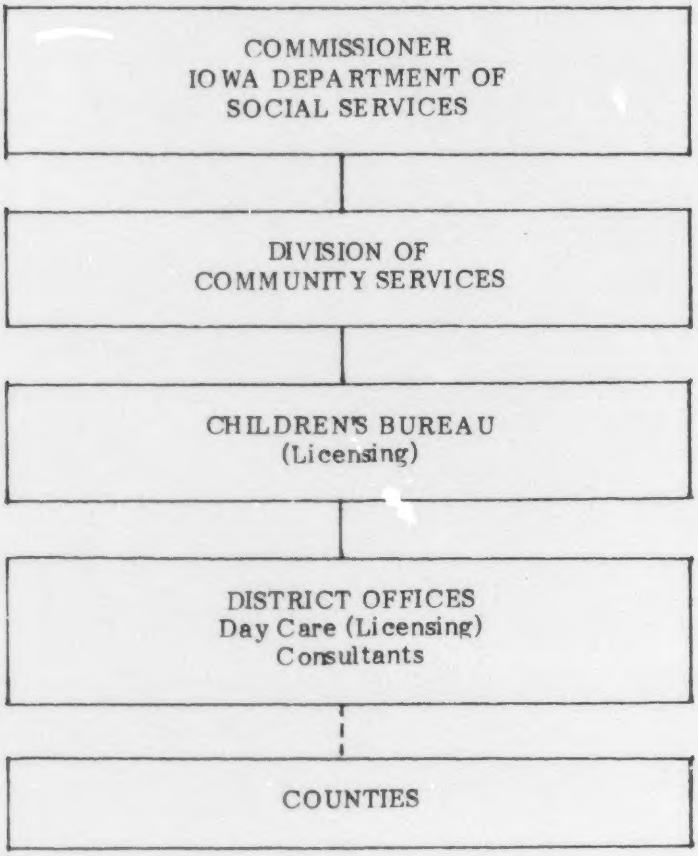
IOWA CODE §237A.1 Definitions.
"Child day care" does not include an instructional program administered by a public or nonpublic school system approved by the department of public instruction or the state board of regents, a church-related instructional program of not more than one day per week. or short-term classes held between school terms.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


COMMISSIONER
IOWA DEPARTMENT OF
SOCIAL SERVICES
DIVISION OF
COMMUNITY SERVICES
CHILDREN'S BUREAU
(Licensing)
DISTRICT OFFICES
Day Care (Licensing)
Consultants
COUNTIES

In Iowa, day care center licenses are issued and revoked at the state central office level, while registrations for family day care homes are issued at the district level. The day to day monitoring functions for day care centers are carried out by district staff in 16 districts, and family day care home follow-ups are handled by county staff.

122. Responsible Official

All inquiries should be addressed to:

Program Manager
Day Care Services and Licensing
Children's Bureau
Division of Community Services
Department of Social Services
3619 1/2 Douglass Avenue
Des Moines, Iowa 50310
(515) 281-5581

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

IOWA CODE §237A.12 Rules.
The director shall promulgate rules setting minimum standards to provide quality child day care in the operation and maintenance of child care centers and registered family day care homes relating to:

> The number and qualifications of personnel necessary to assure the health, safety, and welfare of children in the facilities.
>
> Physical facilities.
>
> The adequacy of activity programs and food services available to the children.
>
> Policies established by the center for parental participation.
>
> Programs for education and in-service training of staff.

Records kept by the facilities.

Administration.

Health, safety, and medical policies for children.

Rules promulgated by the state fire marshal for buildings used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from rules promulgated for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the fire marshal determines that the separation is necessary for the protection of children from a specific flammable hazard.

Rules relating to fire safety and sanitation shall be promulgated under this chapter by the state fire marshal and the commissioner of public health respectively, in consultation with the department, and all rules shall be developed in consultation with the state day care advisory committee. The state fire marshal shall inspect the facilities.

212. Advisory Body and Other Community Participation

IOWA CODE §237A.21 State Day Care Advisory Committee.
There is established a state day care advisory committee to consist of not less than nine and not more than fifteen members from urban and rural areas across the state. The membership shall consist of one-third providers of services, one-third interested citizens, and one-third parents of children served. Members shall be appointed by the commissioner from a list of names submitted by a nominating committee to consist of one member of the state day care advisory committee established pursuant to this section, one member of the day care unit of the department, and one member of a professional

child care organization. Two names shall be submitted for each appointment. Members shall be appointed for terms of three years but no member shall be appointed to more than two consecutive terms. The state day care advisory committee shall write its own operational policies with departmental approval. The member of the state day care advisory committee who submits names of nominees for initial membership on the committee shall be a member of the state day care advisory committee established by regulation 220.4 of the Social Security Act of 1967.

IOWA CODE §237A.22 Duties of the State Day Care Advisory Committee.
The state day care advisory committee shall:

> Consult with and make recommendations to the department in the promulgation of rules under this chapter.
>
> Recommend improvements in the licensing and registration of facilities.
>
> Advise the department on licensing policy, planning, and priorities.

770-109.1(237A) Administration.
A nonprofit child care center shall have a governing board which meets at least quarterly and has parent representation. The board or operating body shall formulate administrative rules and policies within the objectives and purposes of the center.

The board or operating body of a nonprofit child care center shall provide for the operation of the center with staff which meets the minimum requirements established by the department of social services, shall provide for revenue for financing of the center, job descriptions, and shall develop personnel policies and benefits.

See also 1000. PARENT PARTICIPATION

220. LICENSING PROCEDURE

221. Application and Issuance

IOWA CODE §237A.2 Licensing of Child Care Centers.
A person shall not establish or operate a child care center without obtaining a license under the provisions of this chapter. A center may operate for a specified period of time, to be established by rule of the department, if application for a license has been made. The department shall issue a license if it determines that the following conditions have been met:

> An application for a license or a renewal has been filed with the director on forms provided by the department.
>
> The center is maintained to comply with state health and fire laws.
>
> The center is maintained to comply with promulgated rules.

A facility which is not a child care center by reason of the definition of child day care but which provides care, supervision or guidance to a child may be issued a license if the facility complies with all the provisions of this chapter.

A record of the license shall be kept by the department. The license shall be posted in a conspicuous place in the center and shall state the particular premises in which child day care may be offered and the number of individuals who may be received for care at any one time. No greater number of children than is authorized by the license shall be kept in the center at any one time.

222. Fee Charged

Not specified

223. Areas of Investigation

See 231. Facility Inspections

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

IOWA CODE §237A.2 Licensing of Child Care Centers.

The director may issue a provisional license for a period of time not to exceed one year if the center does not meet standards required under this section. A provisional license shall be posted in a conspicuous place in the center as provided in this section. If written plans to bring the center up to standards, giving specific dates for completion of work, are submitted to and approved by the department promulgating the regulations, the provisional license shall be renewable.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

IOWA CODE §237A.4 Inspection and Evaluation.

The local boards of health shall make periodic inspections of licensed centers to insure compliance with licensing requirements provided in this chapter. In those instances where no local board of health exists then the director may make periodic inspections of licensed centers as necessary to carry out the provisions of this chapter. The director may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge.

See also 1520. FIRE

232. Denial, Suspension, Revocation of a License

IOWA CODE §237A.2 Licensing of Child Care Centers.

A person denied a license under the provisions of this section shall receive written notice of the denial stating the reasons for denial and shall be provided with an opportunity for an evidentiary hearing. Licenses granted under this chapter shall be valid for one year from the date of issuance unless revoked or suspended in accordance with the provisions of section 237A.8.

IOWA CODE §237A.8 Suspension and Revocation.

The director, after notice and opportunity for an evidentiary hearing, may suspend or revoke a license or certificate of registration issued under the provisions of this chapter if the person to whom a license or certificate is issued violates any provision of this chapter or if a person makes false reports regarding the operation of the child day care facility to the director or a designee.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

770-109.1(237A) Administration.
When a child care center is incorporated, a copy of the Certificate of Incorporation and bylaws relating to the child care center shall be submitted to the Iowa department of social services. In the event any amendments to the original bylaws are adopted, a copy of said amendment or amendments shall be transmitted to the department of social services. Incorporated centers shall submit a statement of purpose and objectives. The plan and practices of operation shall be consistent with this statement.

Unincorporated child care centers shall submit a written statement of purposes and objectives to the department of social services. The plans and practices of operation shall be consistent with this statement.

The child care center admission, intake, discharge and health policies shall be defined, formulated and commensurate with the needs of the children and with the purpose of the program.

The child care center operator or executive shall be responsible for the center's administration and programs, and be concerned for the child's development.

Centers licensed for twelve or fewer children need not comply with administrative requirements except those for operator responsibilities and reporting of child abuse and neglect.

770-109.2(237A) Records.

The child care center shall keep records and reports on the staff, including all those persons counted in the child/staff ratio; the children; center finances; and attendance.

312. Telephone

770-109.5(237A) Physical Facilities.

A telephone in working order shall be available in the center with emergency phone numbers posted adjacent to the phone.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

IOWA CODE §237A.5 Personnel.

No staff members of a licensed center or registered home with direct responsibility for child care shall have a conviction by any law of any state involving lascivious acts with a child, child neglect or child abuse.

See also 342. Records

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

770-109.2(2) Records.

An individual file for each child shall be maintained in the center and shall contain:

Enrollment information including an emergency telephone number, next of kin, and who has permission to pick up the child.

Name, address, and telephone number of the child's regular source of health care.

Physical examination report which shall include allergies and restrictive conditions.

Signed immunization cards from the state department of health.

Parent permission for center-sponsored field visits.

Permission to secure emergency care and written plan of procedure signed by the parent.

Accident and incident reports for the child.

Any professionally prescribed treatment.

See also 711. General Health Requirements

342. Staff

770-109.2(237A) Records.

Personnel records shall contain information on:

Employment application, including age, education, and previous work history.

A statement signed by each individual that there has been no conviction by any law of any state involving lascivious acts with a child, child neglect, or child abuse.

The status of any current treatment of alcoholism, drug abuse, or child abuse.

Physical examination report or religious exemption waiver.

Professional growth and development showing a minimum attendance of six hours of in-service training annually for each child care staff person, and minimum attendance of one staff person annually at a workshop, conference, or college course for outside professional training.

Salary and benefit records.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

770-109.1(237A) Administration.

Requirements and procedures for mandatory reporting of suspected child abuse and neglect shall be posted where they can be read by staff. Methods of identifying and reporting suspected child abuse and neglect shall be discussed with all staff.

345. Confidentiality of Records Requirements

IOWA CODE §237A.7 Confidential Information.
Anyone who acquires through the administration of this chapter, information relative to an individual in a child day care facility or to a relative of the individual shall not, directly or indirectly, disclose the information except upon inquiry before a court of law or with the written consent of the individual or, in the case of a child, the written consent of the parent or guardian or as otherwise specifically required or allowed by law.

This section shall not prohibit the disclosure of information relative to the structure and operation of a facility nor shall it prohibit the statistical analysis by duly authorized persons of data collected by virtue of this chapter, or the publication of the results of the analysis in a manner which does not disclose information identifying individual persons.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

770-109.4(237A) Personnel.
Staff ratio shall be as follows:

Age of children	Minimum ratio of staff to children
Two weeks to two years	One to every four children
Two years	One to every six children
Three years	One to every eight children
Four years	One to every twelve children
Five years to ten years	One to every fifteen children
Ten years and over	One to every twenty children

Regardless of the staff ratio when seven or more children five years of age or younger are present, basic minimum qualified child care staff shall consist of two people on duty. Combinations of age grouping shall have staff determined on the age of the youngest child in a group.

Every child-occupied program and nap room shall have adult supervision present in the room. The minimum staff ratio shall be maintained in the center during nap time.

Any child care center sponsored preschool aged program activity conducted away from the licensed facility shall provide a minimum of one additional responsible person over the required staff ratio for the protection of the children.

Centers licensed for twelve or fewer children need not comply with the adult supervision requirement for child-occupied program and nap rooms.

412. Methods of Computing Steff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

770-109.4(237A) Personnel.

In these rules qualified staff shall mean the director or administrator or person considered part of the staff ratio.

Persons counted as part of the staff ratio, including the director or administrator, shall be at least sixteen years of age.

512. Health

See 342. Staff

513. Education

Not specified

514. Experience

770-109.4(237A) Personnel.

Persons counted as part of the staff ratio, including the director or administrator, must be involved with children in programming activities and shall meet the following requirements:

> Demonstrate competence in working independently with children.
>
> At least one staff member on duty shall have a valid certificate in standard first aid or documentation of equivalent training.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

770-109.4(237A) Personnel.

The on site director or administrator shall be at least eighteen years of age.

522. Health

See 342. Staff

523. Education

770-109.4(237A) Personnel.

The on site director or administrator shall have completed high school or an equivalent program. Persons who do not meet this educational requirement, and who possess unusual qualifications or experience in the child age group with which they will be working, could be employed with the approval of the department of social services.

524. Experience

770-109.4(237A) Personnel.

The on site director or administrator shall have two years of administrative or program experience in a child care center, or be able to demonstrate an equivalent amount of other child development related experience, employment or educational experience.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

770-109.1(237A) Administration.
The child care center operator, executive or board shall provide and carry out an ongoing plan for staff training and development.

542. Child Caregiver Staff

See 342. Staff

543. Support Staff

Not applicable

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

770-109.1(237A) Administration.
The child care center's preschool age program shall be appropriate to the developmental level of the children and the defined purpose of the program shall not be a duplicaton of the elementary school curriculum.

770-109.7(237A) Activity Program Requirements.
The program conducted daily in a child care center shall provide:

> Experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being and shall provide for both gross and fine motor development.

A schedule of activities with sufficient flexibility to respond to the needs of the individual children.

Both active and quiet learning experiences which promote the development of skills, social competence, self-esteem, positive self-identity, and creative expression.

Experiences in harmony with the ethnic and cultural backgrounds of the children.

612. Program Equipment and Materials

770-109.7(237A) Activity Program Requirements.
Play material and equipment for both indoor and outdoor play shall be in sufficient variety and quantity to meet the interests and needs of the children. Equipment and materials shall be suitable for the age range served and shall be selected according to the type of supervision required.

Materials and equipment shall be provided to encourage muscular activity, social and dramatic play, intellectual growth, creative expression and shall be of safe construction and material that are easily cleaned. When a child is eating or participating in programming activities at the table there shall be eighteen or more inches of table space per child.

613. Nap Provision

770-109.7(237A) Activity Program Requirements.
The program shall provide for a nap or quiet time for all preschool age children present at the center for five or more hours.

A clean washable individual cot, bed, or crib and bedding to cover both cot, bed, or crib and child shall be provided for each child who naps. Mats may be substituted for physically handicapped children.

There shall be at least two feet of space on all sides of the cot, bed, or crib except where the cot, bed, or crib touches the wall.

614. Discipline and Guidance

770-109.7(237A) Activity Program Requirements.
Corporal punishment including spanking, shaking and slapping shall not be used.

Punishment which is humiliating or frightening shall not be used.

Punishment shall not be administered because of a child's illness, or progress or lack of progress in toilet training, nor shall punishment or threat of punishment be associated with food or rest.

No child shall be subjected to verbal abuse, threats, or derogatory remarks about such child or such child's family.

Nothing in this rule shall preclude the use of professionally prescribed treatment for the severely retarded or handicapped. The treatment plan shall be recorded in the child's record.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

IOWA CODE §237A.5 Personnel.
All personnel in licensed centers shall have good health as evidenced by a report following a pre-employment physical examination taken within six months prior to beginning employment, including communicable disease tests, by a licensed physician, at the time of initial employment and every three years thereafter.

770-109.3(237A) Health and Safety Policies.

The child care center shall require each preschool age child to have an admission physical examination report signed by a licensed physician or designee in a clinic supervised by a licensed physician. This report shall include an immunization record that is in compliance with the Iowa state health department regulations. This written report shall include past health history, status of present health and recommendations for continued care when necessary. A new physical examination and report shall be obtained annually. For the school age child, a copy of the most recent school physical examination and immunization record shall be acceptable.

712. Health Assessments

Not specified

713. Immunizations

See 711. General Health Requirements

714. Sanitation

770-109.3(237A) Health and Safety Policies.

Individual towels, paper or cloth, and facilities for keeping them shall be provided. If individual toilet articles are provided, they shall be kept in a sanitary manner.

770-109.5(237A) Physical Facilities.

The facility and premises shall be maintained in a clean, sanitary, and safe manner.

715. Daily Illness Screening

770-109.3(237A) Health and Safety Policies.

Each child shall have direct contact with a staff person upon his arrival for the early detection of apparent illness, communicable disease, or unusual condition or behavior which may adversely affect the child or the group.

716. Care of Sick Children

770-109.3(237A) Health and Safety Policies.
A quiet area under supervision shall be provided for a child who appears to be ill or injured. The parents or a designated person shall be notified of the child's health status.

717. Medication and Special Diet Provisions

770-109.3(237A) Health and Safety Policies.
The child care center shall administer no medication including nonprescription drugs to any child without the parents or guardian's written authorization. Parent authorization shall be on file for each prescribed medication. Each prescription drug shall be accompanied by a physician's/pharmacist's direction.

The director or administrator shall designate one person at one time in each assigned group to administer all medications. When medications are administered, it shall be recorded and retained on file.

Medications shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. All medication shall be kept under lock and key, or stored in a refrigerator in a separate compartment with proper security.

718. Waiver of Health Requirements

770-109.3(237A) Health and Safety Policies.
Nothing in this rule shall be construed to require medical treatment or immunization for staff or the minor child of any person who is a member of a church or religious organization which is against medical treatment for disease. In such instances, an official statement from the organization shall be incorporated in the record.

720. SAFETY

721. General Safety Requirements

770-109.5(237A) Physical Facilities.
All stairways used by children shall be provided with hand rails within reach of the children and maintained free of all obstacles.

770-109.5 (237A) Physical Facilities.
Premises used for outdoor play by the center shall be maintained in good condition throughout the year; shall be fenced off when located on a busy thoroughfare or near a hazard which may be injurious to a child; and shall provide both sunshine and shade areas. The premises shall be kept free from litter, rubbish and flammable materials at all times; and shall be free from contamination by drainage or ponding of sewage, household waste, or storm water.

722. Fire Safety Requirements

Not specified

723. Transportation

770-109.4(237A) Personnel.
In transporting seven or more preschool children, any child care vehicle shall have a minimum of two staff members or other adults present.

724. Safety Requirements for Equipment

770-109.7(237A) Activity Program Requirements.
All equipment shall be kept in good condition, free of sharp, loose, or pointed parts, and, if painted, only lead free paint shall be used. Permanent outdoor play equipment must be firmly anchored.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

770-109.3(237A) Health and Safety Policies.
The child care center shall have a written plan for medical emergencies and written consent of the parent or guardian for emergency care of the children.

Disaster, such as tornado, flood and fire, escape procedures shall be developed, posted, and practiced a minimum of monthly.

727. First Aid Supplies
Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

770-109.6(237A) Food Services.
Children at the center during regular meal times shall have available to them a full balanced meal which provides at least one-third of the child's daily nutritive allowances, except breakfast which shall provide at least one-fourth.

Each noon or evening meal menu shall include a bread or cereal type food, a meat or meat substitute, a vegetable, a fruit and milk. Children remaining at the center two hours or longer shall receive midmorning and midafternoon nourishment.

Meals shall consist of a variety of foods each day based on the following:

> Breakfast - 1/2 cup of milk; 1/4 cup of juice or fruit; 1/2 slice of bread or 1/4 cup of cereal or equivalent.

Lunch or supper - 1/2 cup of milk; 1 ounce (edible portion as served) of lean meat or an equivalent quantity of a protein food; 1/4 cup of vegetable; 1/4 cup of fruit; 1/2 slice of bread or equivalent; 1/2 teaspoon of butter or fortified margarine.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

770-109.6(237A) Food Services.
A staff member shall sit with the children at meal time and when snacks are served.

Menus shall be planned at least one week in advance. Such menus shall be dated, posted, and kept on file at the center. Notations shall be made for special dietary needs of the children.

Menu planning shall include a variety of foods and varying textures, flavors, and colors that will provide children with many different food experiences, and help stimulate their interests in foods.

Sufficient refrigeration space shall be provided for holding perishable foods at a maximum of 40 degrees F., and thermometers shall be maintained in the refrigerator.

Kitchens shall be clean, well lighted and ventilated, and free of rodents and insects.

Aseptic techniques shall be used in the preparation of all milk mixtures and other foods prepared in the center.

Food service personnel must maintain good personal hygiene and appropriately covered hair while preparing and serving food. Food shall not be handled by cooks with open sores or bandages on their hands unless wearing protective gloves.

A sufficient number of flytight, watertight garbage and rubbish containers shall be provided to properly store all material between collections. Containers must be maintained in a sanitary condition outside the building and away from the play area.

No chipped or cracked dishes shall be used.

Nondisposable dishes and silverware shall be properly cleaned by prerinsing or scraping, washing, sterilizing and airdrying. A dishwashing machine must provide a minimum wash temperature of 140 degrees F. For hand dishwashing at least a two compartment sink or comparable facility must be available. Tableware shall be either rinsed in water of a minimum of 180 degrees F. or rinsed in a chemical sanitizing agent and air dried. No tableware shall be towel dried.

Water for drinking and culinary purposes shall be from a public water system when available.

Drinking fountains shall be maintained in a clean and sanitary manner and shall be so constructed and located as to be accessible for use by the children at all times.

If drinking fountains are not available, individual single service cups shall be provided in a sanitary dispenser and used only once. When individual drinking cups are used they shall be kept in a sanitary manner.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

770-109.8(237A) Parental Participation.
Opportunity shall be provided for parents at times convenient to them to observe their children in the child care center and whenever possible to work with the program.

Whenever a nonprofit child care center provides day care for forty or more children, there shall be a policy advisory committee or its equivalent at the policy making level. Committee membership shall include not less than fifty percent parents or parent representatives, selected by the parents themselves in a democratic fashion. The committee shall perform productive functions which may include, but are not limited to:

Initiating suggestions and ideas for program improvements.
Assisting in organizing activities for parents.
Encouraging parental participation in the program.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

770-109.5(237A) Physical Facilities.
An area shall be provided properly and safely equipped for the use of the infants and free from the intrusion of children over two years of age.

770-109.7(237A) Activity Program Requirements.
A child care center serving children two weeks to two years old must provide an environment which protects the children from physical harm, but is not so restrictive as to inhibit physical, intellectual, emotional and social development.

Stimulation shall be provided through being held, rocked, played with and talked with individually several times each day. Insofar as possible, the same adult should care for the same child. This includes care during feeding and toileting.

When play pens are provided, no more than one child shall be placed in one at any time.

Centers licensed for twelve or fewer children may substitute a playpen for a crib providing all other requirements are met.

1120. HEALTH AND SAFETY REQUIREMENTS

770-109.7(237A) Activity Program Requirements.
Each infant's diaper shall be changed as frequently as needed in his own crib or on a surface which is cleaned and sanitized between each infant change. When changing diapers the infant shall be washed and dried, using his individual toilet accessories. There shall be a covered, waterproof container for the storage of soiled diapers and clothing.

Highchairs shall be equipped with a safety strap and shall be constructed so the chair will not topple.

Washable toys, large enough so they cannot be swallowed, shall be provided. Toys shall have no sharp edges or removable parts.

A crib shall be provided for each infant. Each crib shall be of sturdy construction with bars closely spaced so a child's head cannot be caught, and have clean, individual bedding, including sheets and blankets. Crib railings shall be fully raised and secured when the child is in the crib. Each mattress shall be completely and securely covered with waterproof material. When plastic materials are used, they shall be heavy, durable and not dangerous to children. A child shall not be placed directly on the waterproof cover. A crib shall be provided for the number of children present at any one time and shall be kept in a clean and sanitary manner and always cleaned and changed upon the change of an occupant. There shall be no restraining devices of any type used in cribs. The minimum spacing between cribs shall be two feet on any side except that which is next to the wall.

1130. INFANT NUTRITION

770-109.6(237A) Food Services.
All children under six months of age are to be held during feeding. No bottles are to be propped for children of any age.

Single service ready-to-feed formulas shall be used for children for the child who has a feeding problem.

Spoon feeding shall be adapted to the developmental need of the child.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

770-109.5(237A) Physical Facilities.
The minimum program room size shall be eighty square feet.

The child care center shall have thirty-five square feet per child of usable indoor floor space maintained in a clean and sanitary manner. When floor space occupied by cribs is counted as usable floor space, there shall be forty square feet of floor space in those rooms. There shall be seventy-five square feet in outdoor recreation area per child using the space at any given time. Kitchens, bathrooms, and halls may not be counted in the square footage per child or used as regular program space. Cooking stoves shall not be placed in the program area. For programs of two on one-half hours or less, outdoor space may be waived with the approval of the department providing there is suitable space and equipment.

In all centers, the following minimum requirements must be met: Ceiling height shall be a minimum of seven feet, six inches for rooms above ground level and a minimum of seven feet for rooms below ground level.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

770-109.5(237A) Physical Facilities.
Buildings not having air conditioners shall have a ratio of window area to floor area of eight percent or more and all openable windows and doors shall be screened with sixteen mesh wire. Areas used by the children shall be heated, when the temperature falls below 68 degrees so a temperature of 68 degrees to 72 degrees is maintained at the floor level. Lighting with a capacity to produce a light intensity of twenty foot candles in the program area shall be provided. All rooms shall be ventilated, without drafts, by means of windows which can be opened or by an air-conditioning or ventilating system.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

770-109.5(237A) Physical Facilities.
One functioning toilet and one lavatory for each fifteen children or fraction thereof, shall be provided in a room with natural or artificial ventilation. Training seats or chairs shall be allowed for children under two years of age. There shall be handwashing facilities with hot and cold running water for child care personnel in rooms where infants are housed or in an adjacent area.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

114

1520. FIRE

IOWA CODE §237A.4 Inspection and Evaluation.

The director shall require that the center be inspected by the state fire marshal or a designee for compliance with rules relating to fire safety before a license is granted or renewed.

See also 211. Promulgation of Regulations

1530. BUILDING

Not specified

1540. HEALTH

770-109.6(237A) Food Services.

Private water supplies for drinking and culinary purposes shall be located and constructed in accordance with recommendations outlined in the Iowa state department of health bulletin, "Sanitary Standards for Water Wells". Water shall be of satisfactory bacteriological quality as shown by annual laboratory analysis. When the facility provides care for children under two years of age, a nitrate analysis shall also be obtained.

1550. SANITATION

See 211. Promulgation of Regulations and 1540. HEALTH.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise indicated, all citations are to the Kansas Department of Health and Environment, Regulations for Licensing - Child Care Centers, May, 1979 (corrected February, 1980.)

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

28-4-200 Definitions.
"Child care center" means a day nursery providing care for seven (7) or more children, for part of all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, head start, centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night. Centers for infants and toddlers or for handicapped children may have fewer than seven (7) children but be licensed as a center because the program meets child care center regulations.

KAN. STAT. ANN., Art. 5, §65-503.
Section 1. Boarding home defined. The term boarding home for children as used in this act means: (a)(1) A place maintained by anyone who has in his or her control or custody one or more children under sixteen (16) years of age unattended by parent or guardian for the purpose of providing such children with food or lodging, or both, except children related to him or her by blood, marriage or legal adoption; or (2) a children's home, orphanage or any day nursery or other institution of a type determined by the secretary to require regulation under the provisions of this act; or (3) an association, organization or individual engaged in receiving, caring for or finding homes for orphans or, deprived children or children needing day care who are under

sixteen (16) years of age, or a place maintained by such association, organization or individual for the purpose of caring for children under sixteen (16) years of age; or (4) any receiving or detention home for children under sixteen (16) years of age provided or maintained by, or receiving aid from any city or county or the state. (b) The term boarding home for children shall not include a family day care home as defined in section 3.

112. Exclusions and Exemptions

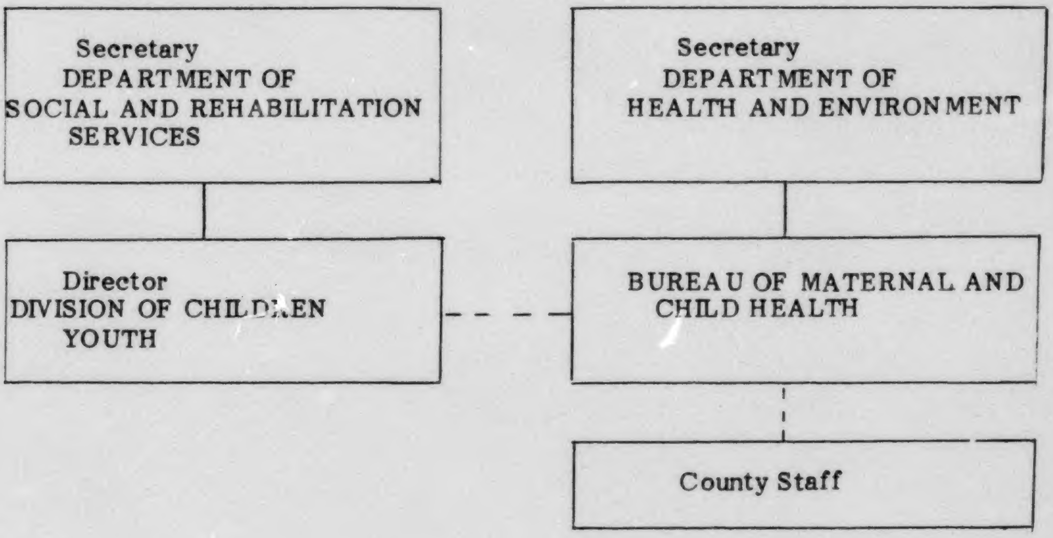
28-4-200 Definitions.
Mother's day out or other programs meeting three (3) consecutive hours or less per week shall be exempt from licensing.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Secretary
DEPARTMENT OF
SOCIAL AND REHABILITATION
SERVICES
Secretary
DEPARTMENT OF
HEALTH AND ENVIRONMENT
Director
DIVISION OF CHILDREN
YOUTH
BUREAU OF MATERNAL AND
CHILD HEALTH
County Staff

Licenses are issued and revoked by the Kansas Department of Health and Environment; in the licensing process, the Kansas Department of Social and Rehabilitation Services is responsible for evaluation of staff, programs, and administration. Local health departments are responsible for facility inspections, health programs, and nutritional services.

122. Responsible Official

All inquiries should be addressed to:

Director, Bureau of Maternal and Child Health
Department of Health and Environment
Building 740, Forbes AFB
Topeka, Kansas 66620
(913) 862-9360

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

KAN. STAT. ANN., Art. 5, §65-508. Equipment, Supplies and Accommodations. The secretary shall adopt rules and regulations to implement the registration provisions of sections 2 to 8, inclusive.

The secretary of health and environment with the cooperation of the secretary of social and rehabilitation services shall develop and adopt rules and regulations for the operation and maintenance of maternity hospitals or homes or homes for children and for the granting, suspending or revoking of licenses. The rules and regulations for operating and maintaining maternity hospitals or homes or homes for children shall be designed to promote the health, safety and welfare of the residents who are to be served in such facilities by assuring safe and adequate physical surroundings, healthful food, supervision and care of the residents by capable, qualified persons of sufficient number, an adequate program of activities and services and such appropriate parental participation as may be feasible under the circumstances. The rules and regulations with respect to granting, suspending and revoking licenses shall be designed to promote the proper and efficient processing of matters relating to licensure to assure applicants and licensees fair and expeditious treatment under the law.

212. Advisory Body and Other Community Participation

28-4-206 Organization.
A community-sponsored child care center shall be incorporated as a non-profit corporation under the laws of Kansas and shall operate in accordance with an established constitution and by-laws.

A community-sponsored non-profit child care center shall be governed by an administrative board, one-third (1/3) to one-half (1/2) of whose members shall be parents or parent representatives of children enrolled in the center elected by the total parent membership of the center.

220. LICENSING PROCEDURE

221. Application and Issuance

28-4-201 Eligibility for license.
Applicant shall be eighteen (18) years of age at time of initial application.

Applicant shall provide evidence of his or her character and ability to care for children.

28-4-202 Statement of services offered.

When making application to the bureau of maternal and child health division of the Kansas department of health and environment for a license to conduct a child care center, the applicant shall state precisely what services are intended to be offered to children. Advertisements shall conform to the written statement of services as required by K.A.R. 28-4-207 (a) (1). Under no circumstances shall claims as to specialized services be made unless the child care center is staffed and equipped to offer such services. No general claim as to "state approval" shall be made unless the child care center has obtained a full license issued by the Kansas department of health and environment with approval of the division of children and youth, of the Kansas state department of social and rehabilitation services.

28-4-203 Licensing procedures.

Any person or corporation desiring to conduct a child care center shall apply for a license to do so on Kansas department of health and environment forms.

No person shall conduct a child care center unless licensed to do so by the Kansas department of health and environment.

Children shall not be enrolled for care until an application for license has been processed by the Kansas department of health and environment, and a letter of acknowledgment has been received by the applicant.

28-4-204 Terms of license.

The number of children specified on the license shall be the maximum number of children authorized to be in the center at any one time.

The maximum number and age range of children who may be cared for in a child care center at any one time shall be specified on each license.

Any child care center license issued shall be valid only for the person, sponsor, or address appearing on the license. A new application and fee are required for each change of ownership, sponsor or address of the center.

Application may be withdrawn at any time upon request by applicant. Should the applicant wish to resume the care of children, a new application shall be required by the state department of health and environment.

KAN. STAT. ANN., Art. 5, §65-501 License required.
It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity hospital or home, or a boarding, receiving or detention home for children under sixteen (16) years of age without having a license therefore from the secretary of health and environment: Nothing in this act shall apply to any state institution maintained and operated by the state.

KAN. STAT. ANN., Art. 5, §65-504 Licenses; terms and regulations; temporary licenses; refusal to grant license; revocation, notices; appeals; procedure.

The secretary of health and environment shall have the power to grant a license to a person, firm, corporation or association to maintain a maternity hospital or home, or a boarding home for children under sixteen (16) years of age. The license shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or children, and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children than is authorized in the license shall be kept or disposed of in a building or place not designated in the license. The license shall be kept posted in a conspicuous place in the hospital or house in which the business is conducted. No license shall be granted for a term exceeding one year. The secretary of health and environment shall grant no license in any case until careful inspection of the maternity hospital or home, or home for children shall have been made according to the terms of this act; and until such maternity hospital or home, or home for children has complied with all the requirements of this act. No license shall be granted without the approval of the secretary of social and rehabilitation services.

222. Fee Charged

28-4-203 Licensing Procedures.
A fee shall be requested when the applicant is notified that the application for license has been approved. The applicant shall then forward to the Kansas department of health and environment the license fee.

223. Areas of Investigation

KAN. STAT. ANN., Art. 5, §65-504 Licenses; terms and regulations; temporary licenses; refusal to grant license; revocation, notices; appeals; procedure.

In all cases where the secretary of social and rehabilitation services deems it necessary, an investigation of the home shall be made under the supervision of the secretary of social and rehabilitation services or other designated qualified agents. For that purpose and for any subsequent investigations they shall have the right of entry and access to the premises of the home and to any information deemed necessary to the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such home shall be filed with the secretary of health and environment. In cases where neither approval or disapproval can be given within a period of thirty (30) days following formal request for such a study, the secretary of health and environment may issue a temporary license without fee pending final approval or disapproval of the home or facility.

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

28-4-220 Compliance with regulations.

....Other exceptions to the revised regulations may be allowed by the joint licensing committee where it is found that such exception would not violate the existing applicable statutory requirements, nor discriminate against other existing license holders. The nature of the exception, the conditions attached to it, and its duration shall be in writing, and written notification shall be given to the child care center licensee.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

KAN. STAT. ANN., Art. 5, §65-512 Inspections.

It is hereby made the duty of the division of health of the department of health and environment to inspect or cause to be inspected at least once every six (6) months every maternity hospital or home, or home for children, and for that purpose it shall have the right of entry and access thereto in every department and to every place in the premises and shall call for and examine the records which are required to be kept by the provisions of this act and shall make and preserve a record of every inspection. The licensee shall give all reasonable information to the authorized agent of the secretary of health and environment and shall afford every reasonable facility for viewing the premises and seeing the patients therein. No patient without her consent shall be required to be interviewed by any agent unless the agent shall be an authorized person or a licensed physician.

232. Denial, Suspension, Revocation of a License

KAN. STAT. ANN., Art. 5, §65-504 Licenses; terms and regulations; temporary licenses; refusal to grant license; revocation, notices; appeals; procedure.

Whenever the secretary of health and environment shall refuse to grant a license to an applicant, he or she shall issue an order to that effect stating the reasons for such denial; and within five (5) days after the issuance of such order shall notify the applicant by certified mail of such refusal by forwarding to such applicant a certified copy of the order.

When the secretary of health and environment finds upon investigation or is advised by the secretary of social and rehabilitation services that any of the provisions of this act are being violated, or such maternity hospital or home, or home for children is maintained without due regard to the health, comfort or morality of the residents, the secretary of health and environment shall after reasonable notice issue an order revoking such license; and such order shall clearly state the reason for such revocation. Such revocation shall be noted upon the face of the record and the secretary of health and environment shall give notice in writing of such revocation by forwarding a certified copy of the order to the licensee by registered or certified mail.

KAN. STAT. ANN., Art. 5, §65-506 Unlicensed hospitals or homes.
The secretary of health and environment shall serve written notice to the secretary of social and rehabilitation services and to the judge of the district court and to the county, city-county and multi-county department of health in every city and county in which a maternity hospital or home, or home for children is located, of the issuance of a license to conduct such hospital or home, or the revocation of such license; and the secretary of social and rehabilitation services, the judge of the district court or other officer or any person shall not place or cause to be placed any maternity patient or child under sixteen (16) years of age in any maternity hospital or home, or home for children not licensed by the secretary of health and environment.

KAN. STAT. ANN., Art. 5, §65-510 Type of patients not permitted; refusal or revocation of license.

It shall be unlawful for any home for children to receive or care for any aged or indigent adult; or a person afflicted with any dangerous communicable disease, or anyone over twenty-one (21) under the surveillance of the police power of the state, or of any county or city in the state; and the presence of such person in the home for children shall be cause for a refusal of the license and shall require immediate revocation of a license in force.

233. Remedies and Sanctions

233.1 Hearings

KAN. STAT. ANN., Art. 5, §65-504 Licenses; terms and regulations; temporary licenses; refusal to grant license; revocation, notices; appeals; procedure.

Any applicant or licensee aggrieved by the order of the secretary of health and environment in denying or revoking a license may appeal therefrom by filing a petition specifying the action of the secretary of health and environment appealed from, in the district court of the county in which the applicant or licensee resides, within thirty (30) days after receipt of a copy of the order of the secretary of health and environment; and the court shall have the jurisdiction to affirm, reverse, modify or vacate the order complained of if the court is of the opinion that the order was arbitrary, unlawful or unreasonable. Within seven (7) days after the petition has been filed in the district court, notice of the appeal shall be given to the secretary of health and environment and to the secretary of social and rehabilitation services by mailing certified copies of the petition, by certified mail, to the secretary of health and environment and to the secretary of social and rehabilitation services. Upon receipt of such notice the secretary of health and environment and the secretary of social and rehabilitation services shall, forthwith make available, for examination and inspection; to the applicant and the attorney of the applicant all their records pertaining to such matter.

From the judgment of the district court, appeal may be taken to the court of appeals as in other civil actions. An appeal to the district court or to the court of appeals shall not operate to stay the effect of an order of the secretary of health and environment; unless the judge or the court shall specifically allow such a stay.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

KAN. STAT. ANN., Art. 5, §65-514 Penalties for violations of 65-501 to 605-515.

Any person, firm, corporation or association who shall violate the provisions of any section of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars ($5) nor more than fifty dollars ($50). Each and every day that he or it shall fail or refuse so to comply shall be deemed a separate offense under the provisions of this act. If for thirty (30) days after any final conviction for such violation or revocation of license he or it shall still fail or refuse to comply with the orders in the above notice, upon five days' notice from the secretary of health and environment the building or premises where such home is conducted may be closed until all provisions of this act shall have been complied with.

KAN. STAT. ANN., Art. 5, §65-515 Prosecutions.

The county attorney of each county in this state is hereby authorized and required, upon complaint of any authorized agent of the secretary of health and environment, to file complaint and prosecute to the final determination all actions or proceedings against any person under the provisions of this act.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

28-4-207 Administration.

A child care center shall have a written description of the type and extent of services to be offered to children and their families. Parents and the licensing agencies shall be notified of substantial changes in staff or services of the center.

28-210 General staff requirements.

Centers shall establish employment and recruitment policies which recognize the importance of including males, various racial and ethnic groups and neighborhood residents as staff or volunteers.

Centers with enrollment requiring only one (1) adult shall have two (2) additional adults on call in case of illness or emergency. Names and phone numbers of these adults shall be posted at the center, and their health certificates shall be on file.

Staffing and grouping patterns shall be developed to provide children with an intimate and consistent relationship with an adult and an opportunity for close friendships with other children. (1) A plan shall be presented to the licensing representative which indicates the center's plan for staff and grouping of children.

When volunteers and part-time employed staff are used, they shall be responsible to the program director. Appropriate staff time shall be planned for orientation and supervision of volunteers.

Single or multi-unit centers shall have adequate janitor service to keep center clean daily. Center shall be left in clean condition at the end of each session.

All employed staff members shall provide personal and work references, college transcripts and certificates of training to the owner or corporation at time of application for employment. These records are to be retained in the employee's file at the center's administration office.

28-4-220 Compliance With Regulations.
The child care center's license shall be prominently displayed as required by law.

A copy of the "Regulations for Licensing Child Care Centers for Children" shall be kept on the premises at all times. Such copies shall be furnished by the bureau of maternal and child health of the Kansas department of health and environment.

312. Telephone

28-4-208 Environmental Standards.
There shall be a telephone located on the premises and readily available. Emergency numbers such as fire, police, hospital, and poison control center and ambulance shall be posted by the phone.

313. Proof of Operator Financial Capabilities

28-4-202 Statement of Services Offered.
The center shall maintain the following general records for review by licensing staff:

Record of fee payments.

Financial records in community-sponsored or non-profit centers including an annual audit by an independent public accountant or committee authorized by the board.

314. Insurance

28-4-207 Administration - Insurance.
Liability and accident insurance shall be carried on children and staff at the center.

320. PERSONNEL

321. Publication of Personnel Policies

28-4-207 Administration.
The center shall have written personnel policies, procedures, and personnel practices.

Personnel policies shall be reviewed annually by staff or administrative board.

322. Constraints Against Employment

28-4-201 Eligibility for License.
A license shall not be issued to a child care center when any adult member of the staff is under investigation by law enforcement agencies, or known to have a confirmed incident of child abuse or neglect, or sexual offense.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

28-4-207 Administration.
Admission policies shall be non-discriminatory in regard to race, color, religion, national origin, ancestry, or sex, in accordance with Kansas civil rights statute K.S.A 44-1009.

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340. RECORDS REQUIREMENTS

341. Children

28-4-207 Administration.

The center shall maintain the following general records for review by licensing staff:

Attendance record for children and staff.

Children's records. (1) Identification and emergency information for each child shall be readily accessible to the telephone. This information shall include:

Name, date of birth, and sex of child.

Scheduled hours of care.

Names, homes and business address and phone numbers of parents or legal guardian.

Name, address, and telephone number of physician, hospital, and person to notify in case of emergency.

Persons authorized to call for child or mode of transportation to and from center.

A file shall be maintained for each child which includes:

Application for enrollment.

Developmental history of child.

Signed permission of the parents for the following:

Field trips.

Each medical, developmental or psychological evaluation after complete information is provided to the parent.

Child to be subject for research.

Pictures for publicity purposes.

Transfer of records.

School-age child to walk to and from center and to attend activities away from the center.

Accident reports.

342. Staff

28-4-207 Administration.
The center shall maintain attendance records for children and staff for review by licensing staff.

343. Child Eligibility and Enrollment Requirements

28-4-205 Children receiving care.
Children receiving care in child care centers shall be between the ages of two (2) weeks and sixteen (16) years.

Centers may enroll children for irregular care as follows:

Children enrolled on an irregular basis shall not cause the center to exceed its license limit at any one (1) time.

Children under six (6) years who are enrolled for irregular care shall remain at the center at least two (2) consecutive hours.

A health record as defined by K.A.R. 28-4-213 shall be presented to the center at the time of the child's admission.

28-4-211 Admission policies.
Arrangements for the admission of children shall be made prior to the day on which child enters the center.

The child shall be given the opportunity to visit with his parent until he is ready to stay all or part of the day.

Parents shall be informed when religious training is a part of the child care program of the center.

344. Child Abuse Reporting
Not specified

345. Confidentiality of Records Requirements
Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

28-210 General staff requirements.
The ratio between teaching staff and children shall be determined by the age of children and services provided. Only persons who spend at least seventy-five percent (75%) of their time when at the center in providing direct care for children shall be counted in the following adult-child ratios:

Programs providing full and part-day care:

Age of Children	Adult Ratio	Maximum Per Unit
Infants (2 weeks to 18 months)	1 to 3	9
Toddlers (18 months to 2 1/2 years)	1 to 5	10
3 to 4 years	1 to 10	20
4 to kindergarten entrance	1 to 10 full-day care	20
	1 to 12 part-day care	24
Kindergarten enrollees	1 to 14	28
Mixed age group:		
Infants to 6 years	1 to 4 (max. 2 infants)	8 (max. 4 infants
2 1/2 years to 16 years	1 to 9	18
3 years to 16 years	1 to 10	20

Programs providing evening and night-time care:

Day time adult-child ratio shall be followed during meal, bath, and dressing hours.

Two adults shall be present at all times, one of whom shall be awake. Not more than one adult shall sleep in room with children.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

28-4-205 Children receiving care.

Children shall be given care in self-contained units with the maximum enrollment of the center to be not more than one hundred (100) children per session. Centers which cannot develop self-contained units shall present a plan for space use to the state licensing staff for approval.

Permission shall be granted to exceed the maximum enrollment of one hundred (100) children under the following conditions: (1) The program shall be provided during the summer for school-age children.

Separate indoor space and outdoor play area shall be provided.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

28-4-213 Health Care Policies.
All staff must be free of communicable diseases and of such a state of health and freedom from physical handicaps as is necessary for them to adequately and successfully care for children in a child care center.

All staff who will have contact with the children shall have a health assessment conducted by a licensed physician or by a nurse practitioner, prior to employment and every three (3) years thereafter.

Results of the assessment shall be recorded on forms supplied by the Kansas department of health and environment and kept on file at the center or the local health department.

The initial health assessment for persons over sixteen (16) shall include a record of tuberculin test or x-ray obtained within the past two (2) years. All reactors and those with history of previous reaction shall have a chest X-ray. Test or X-ray results shall be recorded on the person's health record. The Kansas department of health and environment shall be notified when tests are positive.

Should significant exposure to an open case of tuberculosis occur or should symptoms compatible with tuberculosis develop between health assessments, the person shall be retested with tuberculin or X-rayed as appropriate and the proper treatment or prophylaxis instituted. Results of such follow-up shall be recorded in the person's health record and the health department shall be kept informed.

All family members residing in the same location as the child care center shall obtain health assessments as described above.

An adult who is over sixty-five (65) years of age, or an adult who has been under regular treatment of a physician for particular medical problem shall secure a yearly written statement from his or her personal source of health care that his or her physical and mental health are sufficient to care for young children. This statement shall be kept with the required health certificate.

513. Education

Not specified

514. Experience

28-210 General staff requirements.

Every center or self-contained unit shall have at least one (1) staff person on duty at all times who is between the ages of eighteen (18) and sixty-five (65), has a minimum of a high school diploma or its equivalent, and is knowledgeable about child development, methods of guidance and education of children; who is sensitive to the needs of individual children; who has skills in human relations necessary to relate to other staff, parents, and community; and who is of good moral character.

Centers approved as demonstration or training centers shall have staff meeting qualifications listed in 28-4-210 (k) and shall be recommended by local or district licensing staff.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

28-4-210 General Staff Requirements.

Single or multi-unit centers licensed for ten (10) or fewer children under six (6) years of age (or twelve (12) four (4) and five (5) year olds in part-day session) shall have a staff person who meets the requirements included in K.A.R. 28-4-210 (f) in one of the following ways: (1) Six (6) months teaching experience in a licensed center with children of same developmental age as being served in present center, or

Five (5) sessions of observation for not less than 2 1/2 consecutive hours per observation in approved child care center serving children of same developmental age as being served in present center. Applicants for full day care shall plan their observation so that all daily activities (morning, lunch, nap, late afternoon) can be observed, and

Attendance at one KAEYC—or state-approved workshop and one statewide professional meeting; or an approved two (2) day workshop, or

A minimum of three (3) semester hours of academic study or equivalent training courses in child development and curriculum resources; and supervised student observations in high school or college, or 3 months work experience with children of same developmental age as being served in present center, or

Child development associate credential.

Single or multi-unit centers licensed for eleven (11) to twenty (20) children under six (6) years (or twenty-four (24) four (4) and five (5) year olds in part-day session) shall have a program director who meets the requirements included in K.A.R. 28-4-210 (f) in one of the following ways: (1) (A) Five (5) sessions of observation for not less than two and one-half (2 1/2) consecutive hours per observation in approved centers serving children of same developmental age as being served in present center. Applicants for full day care shall plan their observations so that all daily activities (morning, lunch, nap, late afternoon) can be observed; and

One (1) year of teaching experience in a licensed center with children of same developmental age as being served in present center, or

Seven (7) to nine (9) semester hours of academic study or equivalent training courses in child development, curriculum resources, nutrition, guidance and education for young children; and three (3) months teaching experience in a licensed center with children of same developmental age as being served in present center, or

Child development associate credential.

Multi-unit centers licensed for more than twenty (20) children (or more than twenty-four (24) four (4) and five (5) year olds in part-day session) shall have a program director who meets the requirements included in K.A.R. 28-4-210 (f) in one (1) of the following ways: (1) Twelve (12) semester hours of academic study or equivalent training courses in child development, curriculum resources, guidance of young children, human relations, child care center administration, and parent education and practicum; three (3) years teaching experience in a licensed center with children of same developmental age as being served in present center, or

Child development associate credential, and two (2) years teaching experience in a licensed center with children of same developmental age as being served in a present center, or

Associate of arts degree or two (2) year certificate in child development and two years teaching experience in a licensed center with children of same developmental age as being served in present center, or

A.B. or B.S. degree in child development or early childhood education, and three (3) months teaching experience in a licensed center with children of same developmental age as being served in present center, or

A.B. or B.S. degree in related field, and twelve (12) hours of academic study or equivalent training courses in human relations, child development, curriculum resources, parent education, practicum, and administration of programs for children of same developmental age as being served in present center; and three (3) months teaching experience in a licensed center serving same developmental age as being served in present center.

Multi-unit centers shall employ one adult per unit who meets requirements described in 28-4-210 (i) or (j), depending on the size of the unit.

524. Experience

28-4-210 General Staff Requirements.

Centers serving over twenty (20) children shall have a part or full-time administrator who may be the owner, a volunteer, a paid employee, or a teacher utilized not more than twenty-five percent (25%) of his or her time as administrator. The administrator shall have:

Knowledge of the needs of programs for young children;

Human relations skills to relate to the board of directors, parents, and the community;

Training or experience in administrative skills (budgeting, bookkeeping, record keeping, etc.).

Centers serving three (3) or more units of children shall have a program director separate from the classroom teaching staff who meets the requirements of K.A.R. 28-4-210 (k).

Centers serving more than five (5) units shall designate an assistant director who meets training requirements in K.A.R. 28-4-210 (J).

The program director of child care centers shall spend a minimum number of hours per week in the center while the children are in attendance, as follows:

Full day care--eight (8) hours per week, four (4) hours of which shall be between nine o'clock (9:00) a.m. and one o'clock (1:00) p.m.

Part day care--five (5) hours per week.

A program director meeting training requirements, in K.A.R. 28-4-210 (k) may serve as program director for a maximum of three (3) separate centers if K.A.R. 28-210 (r) (4) is met.

530. SUPPORT STAFF QUALIFICATIONS

28-4-210 General Staff Requirements.

Single or multi-unit centers may employ additional persons as assistant teachers who meet the following minimum requirements:

Are sixteen (16) years or older.

Have high school or college academic study in child development or equivalent training courses.

Volunteers may serve as additional staff in single and multi-unit centers if they are fourteen (14) years of age or older and agree to participate in in-service training programs under the direction of the program director.

Single or multi-unit centers serving a meal prepared at the center to more than ten (10) children shall employ a staff person who meets the following requirements:

Has knowledge of nutritional needs of children.

Understands quantity food preparation and service.

Practices sanitary methods of food handling and storage.

Is sensitive to individual and cultural food tastes of children.

Is willing to work with program director in planning learning experiences for children relative to nutrition.

Volunteers shall present written proof of freedom from active tuberculosis before serving in a child care center.

See also 523. Education

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

28-4-210 General Staff Requirements.
The program director shall attend one in-service training event or workshop each year, separate from the in-service training conducted at his or her center.

542. Child Caregiver Staff

28-4-210 General Staff Requirements.
Single or multi-unit centers licensed for ten (10) or fewer children under six (6) years of age (or twelve (12) four (4) and five (5) year olds in part-day session) shall have a staff person who meets the requirements included in K.A.R. 28-4-210 (f) in one of the following ways:

Six (6) months teaching experience in a licensed center with children of same developmental age as being served in present center, or

Five (5) sessions of observation for not less than 2 1/2 consecutive hours per observation in approved child care center serving children of same developmental age as being served in present center. Applicants for full day care shall plan their observation so that all daily activities (morning, lunch, nap, late afternoon) can be observed, and

Attendance at one KAEYC—or state-approved workshop and one statewide professional meeting; or an approved two (2) day workshop, or

A minimum of three (3) semester hours of academic study or equivalent training courses in child development and curriculum resources; and supervised student observations in high school or college, or 3 months work experience with children of same developmental age as being served in present center, or

Child development associate credential.

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

28-4-212 Program content.
The program shall meet the basic developmental needs of children enrolled.

Program shall encourage each child to develop self-care skills.

There shall be a written plan of daily activities and familiar routines in addition to free play for each unit of children with similar developmental needs.

The child shall have freedom to move from group to solitary activities and from vigorous physical to passive quiet activities.

Unless extreme weather conditions prevail children shall have a daily period of outdoor play under the supervision of an adult. The duration of outdoor play shall be at least one (1) hour for children spending more than four (4) consecutive hours at the center.

To meet the developmental needs of children, alternating periods of active play and quiet and restful periods shall be provided.

A child who remains at the center more than four (4) hours shall be encouraged to nap or rest according to her or his individual needs.

Children shall be allowed to go to the bathroom individually as needed.

Special attention shall be given by the center and the parents to provide for a transition into evening and nighttime care appropriate to the child's emotional needs.

Activities and program provided for children in evening care shall be appropriate for age level, and time of day and needs of individual children.

612. Program Equipment and Materials

28-4-212 Program content.
The center shall provide an adequate amount and variety of materials and equipment to meet the developmental, educational, and cultural needs of children in care.

Every center for children under two and one-half (2 1/2) years shall have an adult size rocking chair.

613. Nap Provision

28-4-208 Environmental standards.
Centers providing full day care shall have cribs, youth beds and cots of adequate size for the comfort of the children. Foam pads three inches (3") by twenty-four inches (24") by five feet (5') with waterproof covers may be used for children between two and one-half (2 1/2) and six (6) years of age if area is carpeted.

For children under two and one-half (2 1/2) years, a separate sleeping area shall be provided with cribs or youth beds separated by at least three feet (3'), except when bordering on the wall. Crib sides shall be up while the child is in the crib.

For children over two and one-half (2 1/2) years, youth beds or cots shall be separated from each other by at least two feet (2') in all directions except when bordering on a wall.

Each crib, youth bed, cot or pad shall be equipped with a bottom sheet and individually labeled cover.

Rest and sleep facilities—night-time care.

Bathing facilities shall be provided.

Comfortable individual beds, complete bedding, and night clothes shall be available. Bunk beds shall be prohibited.

Movable screens shall be available to insure privacy as needed.

Separate sleeping areas shall be provided for boys and girls over 6 years of age.

Fifty (50) cubic feet of space per child shall be provided in sleeping areas. There shall be two feet (2') of space between beds except when bordering on a wall.

614. Discipline and Guidance

28-4-212 Program content.

Discipline which is humiliating or frightening, or physically harmful to the child, shall not be used at any time. Napping, toilet training, or eating shall not be associated with punishment. Corporal punishment shall be strictly avoided even though parents approve.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

28-4-213 Health care policies.
A record shall be kept on each child which includes pertinent information about the child's health status, the child's developmental progress and any special needs, with appropriate plans to meet these needs.

The staff shall update the health information as determined by the programs's specific health policies and shall use such information as a basis for review and evaluation of the child's health status.

When a child is absent, the child care staff shall be informed of the reasons and such information shall be provided to other parents when appropriate.

The child care center staff shall develop dental health policies including plans for dental health consultation and education for parents and children in the practice of good oral hygiene.

712. Health Assessments

28-4-213 Health care policies.
A pre-entrance health assessment conducted by a nurse practitioner or by a licensed physician shall be required for each day care child and kept on file at the center.

Health assessments shall be conducted yearly for children to age six (6) years of age, and every three (3) years for children over the age of six (6).

Additional tuberculin testing shall be required only if the child becomes in contact of a new, active or reactivated case of tuberculosis. The results of these examinations shall become part of the child's health record.

Results of the health assessment shall be recorded on forms supplied by the Kansas department of health and environment.

713. Immunizations

28-4-213 Health care policies.
Immunizations shall be current or in process at time of licensing for all children to age sixteen (16).

Where a safe level of immunization has not been attained, the staff of the center shall refer the parent to a resource for obtaining the necessary immunizations.

714. Sanitation

28-4-208. Environmental Standards.
The water supply shall be from a source approved by the health authority, so certified and shall be under pressure.

Water coming into the premises shall come from a public or municipal source, and the plumbing shall have been installed and be maintained in a manner approved by local or state plumbing codes, or

A private water supply shall have been investigated and approved by the responsible health authority and the plumbing shall have been installed in an approved manner as above.

Nitrate content of water for children under one (1) year of age shall not exceed forty-five hundredths (.45) milligrams per liter as nitrate (NO_3).

Sanitary drinking facilities shall be provided for the children while either indoors or outdoors. The following methods are acceptable:

> Paper cups and appropriate water dispenser available to the children.
>
> A fountain of approved design so arranged that a child can get a drink of water without assistance.

If laundry is done at the center, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in such a manner as to safeguard the health and safety of the children.

The type of diapers and diaper service used shall be determined by the center director with approval of the health nurse.

Separate areas shall be provided for soiled and clean linens.

In centers constructed after January 1, 1973, separate handwashing facilities shall be provided in the laundry room.

A written policy regarding illness care shall be prepared in consultation with a licensed physician and signed by the physician. The terms of this policy shall be posted in a prominent place in the center, and be presented to parents at the time of enrollment of the child.

A quiet area shall be provided for sick children.

715. Daily Illness Screening

28-4-213 Health Care Policies.
All staff members shall be trained in observation of symptoms of illness and shall observe each child's health status daily.

All staff members shall be trained in elementary principles of first aid by a registered nurse, red cross staff or a center staff member who has completed the red cross course.

716. Care of Sick Children

28-4-217 Policies relating to illness and accident.

If care of sick children is to be provided, the following regulations shall be met:

A written policy regarding illness care shall be prepared in consultation with a licensed physician and signed by the physician. The terms of this policy shall be posted in a prominent place in the center, and be presented to parents at the time of enrollment of the child.

A quiet area shall be provided for sick children.

Arrangements for emergency care shall be made as follows:

The child care center shall have in writing the name, address, and telephone number of a physician to be called in case of emergency.

Provisions shall be made at a hospital or clinic away from the day care setting for emergency care of children requiring emergency medical treatment.

Written permission of the parent for such emergency care shall be according to the requirements of the hospital or clinic where emergency care will be given.

When a staff member accompanies a child to the source of emergency care, that person shall remain with the child until the parent or the parent's designee assumes responsibility for the child's care. Such an arrangement shall not compromise the supervision of the other children in the program.

717. Medication and Special Diet Provisions

28-4-217 Policies relating to illness and accident.
No non-prescription medications shall be administered to any child except on written order of the parent or guardian. Orders shall be renewed yearly. Such medication shall be administered by one (1) designated staff member.

Prescription medication shall be administered by one (1) designated staff member from a container labeled with the child's name, name of medication, dosage, dosage intervals, and name of physician and date prescription was filled. The label shall be considered the order from the physician.

A record shall be kept in the child's file as to who gave the medication and when it was given.

718. Waiver of Health Requirements

28-4-213 Health care policies.
Exemptions to health assessments and immunizations shall be permitted as follows:

> Certification from a licensed physician stating the physical condition of the child to be such the immunization would seriously endanger the child's life or health.
>
> A written statement signed by a parent or guardian that he or she is an adherent of a religious denomination whose religious teachings are opposed to such assessment and immunization.

720. SAFETY

721. General Safety Requirements

28-4-208 Environmental standards.
All stairs shall be provided with sturdy handrails.

Landings or gates shall be provided beyond each exterior door, and any interior door opening onto a full-length stairway.

Grounds.

The outdoor play area shall be adjacent to or within safe walking distance of the center, and shall be free of physical hazards to the children. There shall be bathroom facilities readily accessible to the play area.

The play area shall be so arranged that attendants can provide close supervision at all times. Fencing or environmental barriers shall be provided, and shall be of such construction or extent that the children are protected. The outdoor play area shall provide both sunshine and shade. Hard-surfaced (including gravel) area shall not be used under anchored play equipment.

A rooftop used as a play area shall be enclosed with a flat board fence or a chain link fence angled toward the play area and not less than six (6) feet high. An approved fire escape shall lead from the roof to the ground.

The building shall be clean at all times, free from accumulated dirt and any evidence of vermin or rodent infestation.

Low windows which present a hazard to children shall be effectively screened or guarded.

Floors shall be smooth and free from cracks, easily cleanable and shall not be slippery. Floor covering shall be required over concrete slabs in contact with ground. New carpeting shall meet fire safety requirements of the state fire marshal (K.A.R. 28-15-5 (3)—fire safety regulations for child care facilities).

Walls shall be smooth, easily cleanable and in sound condition.

All painted surfaces shall be free of toxic materials.

Windows and doors shall be screened as needed.

Garbage shall be placed in covered containers away from reach of the children and removed frequently.

Medicines, household poisons, firearms, and other dangerous substances and instruments shall be in locked storage.

Electrical outlets within the reach of children under six (6) years shall be covered with receptacle covers.

722. Fire Safety Requirements

28-4-208 Environmental Standards.
Centers in which children sleep for more than three (3) consecutive hours shall be provided with a smoke detector adjacent to sleeping areas.

Temporary classroom units shall be securely anchored to the ground and shall meet all requirements for permanent structures as stated in K.A.R. 28-4-208, (a) (1) through (9).

Curtains shall be flame retarded. (Retardants approved by the state fire marshal shall be used.)

See also 721. General Safety Requirements

723. Transportation

28-4-209 Transportation.
Any child care center that provides transportation between the child's home and the center or between a public school and the center shall meet the following requirements:

> The driver of a vehicle with a passenger limit of more than 10 shall obtain a class B driver license from the Kansas state motor vehicle department.

The driver of a car transporting five or fewer children, a station wagon transporting 8 or fewer children, or a van transporting 10 or fewer children, shall have a current class C driver's license.

A car, station wagon, or bus shall not transport more children than the capacity of the vehicle as stated by the manufacturer.

Campers shall not be used for transportation.

A second adult shall ride in rear seat of vehicle when:

> More than five children under five years, or one or more infants are being transported.
>
> Bus routes exceed 30 minutes.

The vehicle for transportation shall be covered by medical and liability insurance as required by state statutes.

The transporting vehicle shall have a yearly mechanical safety check of tires, lights, windshield wipers, horn, steering, signal lights, suspension, glass, brakes, and tail lights, and a record of the date of the safety check and corrections made shall be kept on file at the center or in the vehicle.

Each vehicle shall be equipped with a 4:BC rated fire extinguisher mounted under the dashboard or under the front seat of the vehicle.

Each child shall be provided with an appropriate individual restraint as follows:

> Infants up to 9 months—infant care bed or infant carrier.
>
> Children 8 or 9 months up to 2 years—child care seat or child harness.
>
> Children 2 to 5 years—vehicle lap belt.
>
> Children at least 55 inches in height—vehicle shoulder belt (worn with lap belt).

The driver shall deliver the child to a responsible person designated by the parent.

724. Safety Requirements for Equipment

28-4-208 Environmental Standards.
Outdoor play equipment shall be safely constructed and of a size suitable to the ages of the children in care. All swings shall have chair or sling seats and shall be safely situated or guarded so that children cannot run in the path of the swing. Teeter-totters and merry-go-rounds designed for school-age children shall not be used for children under six (6) years. Climbing equipment and swings shall be anchored in the ground with metal straps or pins, or shall be set in cement.

Furniture, equipment, and toys shall be appropriate to the ages of the children, sturdily constructed without sharp edges, and shall not present hazards to children.

725. Water Activities (Including Swimming)

28-4-208 Environmental Standards.
If swimming pools (any enclosed body of water more than twelve inches (12") deep) or wading pools are part of the facilities or program, they shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

A life guard with a current red cross senior life saving certificate shall be on duty at all times when swimming pools are in use. One (1) life guard shall be responsible for not more than twenty-five (25) children.

Swimming pools shall be fenced in accordance with accepted safety practices to prevent chance access by children.

Wading pools shall be used only when an adult staff member informed about water safety procedures is present.

The number and ages of children using either swimming or wading pools shall be limited at any one (1) time to allow appropriate supervision by the adult staff member or life guard. Licensing regulation for staff-to-child ratio shall be maintained at the pool at all times.

The water in the swimming pool shall be maintained at pH 7.2 to 7.6, and the chlorine content to .4 to .6. The pool shall be cleaned daily. Water in wading pools shall be emptied daily.

Legible safety rules for the use of pools shall be posted in a conspicuous location and shall be read and reviewed at regular intervals by all staff members responsible for the care of children.

Natural bodies of water shall be used only for children over six (6) years of age and shall be approved for swimming by the appropriate health authority. A qualified life guard shall be on duty.

726. Emergency Procedures

28-4-218 Accident prevention policies.
Each child care center shall in consultation with the fire inspector or other appropriate resources, develop a disaster plan to provide for the safety of children in emergencies.

Plans shall be developed for the care of children in disasters such as fire, tornadoes, storms, floods, and civil disorders, as well as occurrences of serious illness or injury to adults and children.

Evacuation drills shall be conducted for tornadoes and fires at random monthly intervals and the date recorded.

The parents of children in the center shall be informed of the disaster plan, and the plan shall be posted in the child care center.

Education about accident prevention shall be included in staff training.

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

28-4-207 Administration.
The center shall maintain sample menus and number of meals served daily for reviewing by licensing staff

28-4-215 Nutrition policies.
Centers shall serve meals and snacks appropriate to the nutritional needs of children in care.

At least two meals shall be provided for a child in care for more than eleven consecutive hours.

Breakfast shall be provided as needed for children between four and eleven consecutive hours.

At least one meal shall be provided for a child in care for five consecutive hours.

Nutritious snacks shall be provided in all child care centers.

Menus shall be posted where parents can see them. Sample copies shall be kept on file for review by the public health nurse.

Adults shall be seated at the tables with the children at meal time.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

28-4-208 Environmental Standards.

In centers in which meals are prepared, the kitchen shall be separate from the play area and shall not be used as a passageway while food is being prepared. It shall be adequately equipped for the sanitary preparation and storage of food, and washing of dishes. Centers constructed after January 1, 1973, shall provide separate handwashing facilities in the kitchen.

Dishes, kitchen utensils and feeding equipment shall be maintained in a sanitary condition using one of the following methods:

Disposable utensils and dishes.

A three (3) compartment sink supplied with hot and cold running water and a drainboard.

A mechanical dishwasher.

Dishes shall have smooth, hard-glazed surfaces and be entirely free from cracks or chips.

If kitchen facilities are not available, policies for bringing food into the center shall reflect the accepted practices of the local sanitary codes and shall be adapted to fit the needs of the program:

Food shall be obtained from sources approved by the health department.

Food shall be transported in covered and temperature-controlled containers and not allowed to stand.

Dairy products shall be grade-A pasteurized.

Meat shall be from government-inspected sources.

Children over two and one-half (2 1/2) years shall have appropriately-sized tables and chairs which are smooth-surfaced, of sturdy construction, and easily cleaned.

Children not held for feeding shall have low chairs and tables, infant seats with trays, or high chairs with wide base and safety strap.

The terminal method of sterilization shall be used for formula prepared at the center.

900. SOCIAL SERVICES

28-4-214 Mental health policies.
The child care program shall supplement and support the family-child relationship.

The views of parents concerning those factors important to them in the emotional development of their child shall be considered by the staff in planning the child care program.

The cultural heritage of the child shall be recognized and respected.

1000. PARENT PARTICIPATION

28-210 General staff requirements.
Full-day center shall provide staff release time for contact with parents in a manner which will not detract from attention to children.

There shall be frequent exchange of information between the staff and parents regarding the child's development and the child care center program.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

28-210 General staff requirements.
Single or multi-unit centers serving infants and toddlers may employ teaching staff who meet the requirements in one (1) of the following ways:

Same as 28-4-210 (i), or

L.P.N. degree and six (6) months work experience in pediatrics or in licensed child care center serving infants and toddlers.

The following additional regulations shall be met in those centers serving special age groupings or time schedules, as follows:

Infants and toddlers.

Daily activities shall include:

- Gross motor and fine motor activities.
- Visual-motor coordination activities.
- Language and development activities.
- Activities which foster social and personal growth through individualized care by consistent nurturant figures.

At no time shall a child be left in a crib or other confinement while awake for longer than 1/2 hour.

The units for infants and toddlers shall be separate from facilities for older children, and shall not be used by other groups.

1120. HEALTH AND SAFETY REQUIREMENTS

28-4-216 Health policies relating to infants and toddlers.
A child care center which provides care for infants and toddlers shall, in consultation with the public health nurse, develop written health policies including the following aspects: Type of feeding, storage of formula, provision of adequate changes of clothing, care of diapers, provision of a clean area for diaper changing, provision for bathing of infants when soiled, the type of bed to be used and care of bed linen, care and cleaning of training chairs, and special safety precautions.

The staff shall consult with parents about the application of health policies to the needs of individual children.

Each infant shall be dressed and diapered in his own crib using individual supplies.

Each infant shall be held when bottle fed.

There shall be periodic communication between the home and the care-giver about the child's development.

1130. INFANT NUTRITION

28-4-215 Nutrition policies.
Formula and introduction of solid foods for infants shall be prescribed by the child's individual physician or a registered nurse.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

28-4-208 Environmental standards.
Programs which include physically handicapped non-ambulatory children shall be conducted on the ground floor only. All exits and steps shall have ramps properly equipped with cross-treads.

In centers serving developmentally disabled children, toilets and washbasins shall be designed to accommodate the physically handicapped child.

28-4-213 Health care policies.
Each center serving children with developmental disabilities shall have on file a written plan from the child's physician listing recommendations to cover special needs and to define participation in the program.

1230. STAFFING

28-210 General staff requirements.
Programs serving handicapped children:

Age of Children	Adult-Child Ratio (mild dis.)	(Severe dis.)
Under 3 years	1 to 3	1 to 2
3 to 8	1 to 7	1 to 4
8 to 16	1 to 9	1 to 5

Single or multi-unit centers providing programs for handicapped children shall have staff who meet the requirements listed in 28-4-210 plus the following:

> Teacher shall not be the parent of a child enrolled in the unit.
>
> Teacher shall have additional academic course work or equivalent training courses in the understanding of handicapped children and the knowledge to develop a specialized program to meet the needs of individual children enrolled in present center.

Consultants shall meet the professional requirements of specialized service (speech, psychological, etc).

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

28-210 General staff requirements.

Single or multi-unit centers providing programs for school-age children may employ teaching staff who meet the requirements in one (1) of the following ways:

Same as 28-4-210 or

A.B. or B.S. degree, and three (3) months experience working with school-age children. Centers providing a kindergarten shall have a teacher who is certified by the Kansas department of education as an early childhood teacher or as a kindergarten teacher.

28-4-212 Program content.

Full year care--Educational and recreational activities shall be provided in accordance with their ages and ability levels, as follows:

Opportunity to take resposibility, consistent with their age, for planning their own activities.

Opportunity to acquire skills in arts, crafts, and music.

Opportunity for physical education to develop skills in movement and group games.

Opportunity to engage in solitary or community activities as desired.

Parent's permission for participation in activities away from the center.

1320. HEALTH AND SAFETY REQUIREMENTS

28-4-212 Program Content.

Summer camps for school-age children shall meet all licensing regulations. Exceptions may be granted to food service regulations K.A.R. 28-4-207 (5A); 28-4-208 (e) and nutrition regulations K.A.R. 28-4-215 (a) (d) if meals are not served at the center. The following regulations are to be met in lieu of the above:

> A record of information to be used in case of emergency (See K.A.R. 28-4-207 (e) (1); K.AR. 28-4-217 (b) (1) shall be immediately available to the staff in attendance with the children (on bus, at campsite, etc.).
>
> If sack lunches are provided by the children, the lunches shall not be unrefrigerated for more than three hours. Refrigerated storage shall be provided for beverages.
>
> Summer programs using full-year centers for pick-up points for school-age children shall not cause the full-year center to exceed its license limit at any time.

1400. FACILITY REQUIREMENTS

1410. SPACE

28-4-208 Environmental standards.

Programs for children under two and one-half (2 1/2) shall be conducted on the ground floor only.

For children 2 1/2 years and over a warm, dry, well ventilated and lighted basement may be used for part day sessions only. (A basement means an area in which all four (4) outside walls are more than two-thirds (2/3) below ground level.) The basement area used must have two (2) approved exits located at opposite ends of the play area with one (1) exit leading directly to the outside.

Second floors may be used for children two and one-half (2 1/2) years and over when entered from enclosed stairways with safety rails, have guards across windows and at top of stairs and have two (2) approved exits.

Homes in which a family is living shall not be used for a child care center for more than ten (10) children, with the following exceptions:

> Basements may be used for part-day care for one (1) unit of children if space permits.
>
> Ground level recreation rooms may be used for part or full day care for one unit of children if space permits.

The outdoor play area shall be adjacent to or within safe walking distance of the center, and shall be free of physical hazards to the children. There shall be bathroom facilities readily accessible to the play area.

The outdoor play area shall contain the following usable play space per child:

> Children under two and one-half (2 1/2) years—the minimum size of the play area shall be one thousand three hundred fifty (1,350) square feet to accommodate up to eighteen (18) children. Each additional child shall be provided with seventy-five (75) square feet of play space.
>
> Children over two and one half (2 1/2) years—the minimum size of the play area shall be two thousand (2,000) square feet, to accommodate up to twenty (20) children. Each additional child shall be provided with one hundred (100) square feet of play space.

Centers enrolling more than two (2) units of children shall provide separate play areas, adequately equipped, to serve one-half (1/2) of the children in attendance. The play area shall be so arranged that attendants can provide close supervision at all times. Fencing or environmental barriers shall be provided, and shall be of such construction or extent that the children are protected. The outdoor play area shall provide both sunshine and shade. Hard-surfaced (including gravel) area shall not be used under anchored play equipment.

A rooftop used as a play area shall be enclosed with a flat board fence or a chain link fence angled toward the play area and not less than six (6) feet high. An approved fire escape shall lead from the roof to the ground.

The indoor area for play of the group receiving care shall contain a minimum of thirty-five (35) square feet of usable floor space per child, exclusive of kitchen, passageways, room dividers, shelves, lockers, bathrooms, and other space not primarily designated as play area. Centers enrolling children who use walkers or wheelchairs shall have fifty (50) square feet of space for each disabled child.

Each child shall be provided with individual space for her or his garments, clothing, and possessions. This space shall be marked in such a way that the child can recognize it and think of it as her or his own.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

28-4-208 Environmental standards.

All quarters occupied by the children shall be adequately heated, ventilated, and cooled. Open faced heaters shall be prohibited.

Gas heaters shall be vented and installed with permanent connections and protectors.

All heating elements including hot water pipes shall be insulated or installed in such a way that children cannot come in contact with them.

Doors and windows shall be properly weatherstripped to reduce draft to a minimum. Fireplaces, floor furnaces and hot radiators shall be protected by screens or guards. Floor furnances shall not be used in centers caring for children under two and one-half (2 1/2) years of age.

All quarters occupied by the children shall have lighting of a minimum of twenty (20) foot candles in all parts of room.

Centers serving school-age children shall have lighting of a minimum of thirty-five (35) foot candles in areas used for reading, study or other close work.

1430. EXITS

28-4-208 Environmental standards.
All child care centers shall have two (2) approved exits, one (1) of which shall lead directly to the outside.

1440. TOILETS AND LAVATORIES

28-4-208 Environmental standards.
All plumbing fixtures and building sewers shall be connected to public sewers where available.

Where a public sewer is not available, a private sewage disposal system meeting requirements of the health authority and installed and connected to all plumbing fixtures and building sewers shall be used.

Bathroom facilities shall be separate from areas used for cooking, sleeping or eating, and readily accessible to the play areas.

All plumbing facilities shall be in good condition.

They shall be placed low to facilitate their use or be provided with safety steps.

There shall be one (1) toilet and one (1) washbasin for each twelve (12) children receiving care.

Potty chairs shall be washed with soap and water and sanitized after each use. The wastes shall be disposed of in a sanitary manner.

Bathroom facilities shall be planned to assure privacy for staff.

Cold water and hot water not exceeding one hundred twenty degrees fahrenheit (120o F.) shall be supplied under pressure to lavatory fixtures accessible to children.

Handwashing facilities shall be readily accessible to the sleeping area in centers caring for children two (2) weeks to two and one-half (2 1/2) years.

Supplies for personal care shall be provided as follows:

Individual towels, washclothes, and burp cloths for infants and toddlers.
Soft paper towels for children over two and one-half (2 1/2) years.

In centers serving meals, individually labeled toothbrushes stored out of reach of children shall be provided and shall be used daily.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

28-4-208 Environmental standards.
The building shall meet the legal requirements of the community as to zoning, fire protection, water supply, and sewage disposal. The child care center shall use public water and sewage disposal. The child care center shall use public water and sewage systems having approval and permits as required by K.S.A. 65-163 and K.S.A. 65-165. Where local fire regulations do not exist, K.A.R. 22-15-1 through 22-15-6 shall apply. In instances of conflict the more stringent shall prevail. Buildings shall be maintained in good condition.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are from the Kentucky Department for Human Resources, (905 KAR 2:020) Type I Facility Standards, July, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

KY. REV. STAT. § 199.894 Definitions for KRS 199.891 to 199.896.
"Day-Care center" means any child-care facility, other than those set out in KRS 158.300, which provides full or part-time care, day or night, to at least four (4) children not related to the operator of the child-care facility by blood, marriage or adoption.

905 KAR 2:010 Standards For All Facilities - Section 1 Definitions.
"Day Care" means care of a child away from his own home and is designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night.

Day care includes:

> "Type I day care facility" means (1) any facility other than a dwelling unit which regularly receives four or more children for day care; (2) any facility, including a dwelling unit, which regularly provides day care for thirteen or more children. If pre-school children of any day care staff receive care in the facility, they shall be included in the number for which the facility is licensed.

"Type II day care facility" means any home or dwelling unit which regularly provides care apart from parents for four, but not more than twelve children. The director's own pre-school children shall be included in the number for which the home is licensed.

"Facility" shall include both Type I and Type II day care facilities.

"Regularly" means the provision of day care services at a facility on more than one day in any one week.

112. Exclusions and Exemptions

KY. REV. STAT. § 199.894 Definitions for KRS 199.891 to 199.896.
Day-care center shall not include any child-care facility operated by a religious organization while religious services are being conducted.

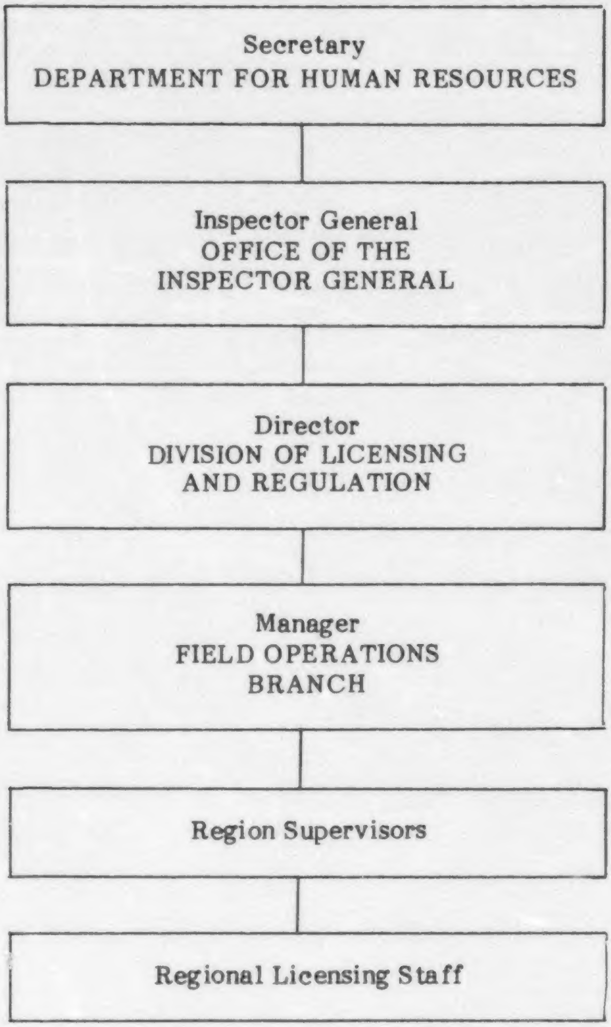
905 KAR 2:010 Standards for All Facilities - Section 1 Definitions.
The term "Day Care" shall not include kindergarten or nursery schools which have as their primary function educational instruction. In those instances where there is a question as to whether the facility should be licensed by the State Department of Education, the determination will be made by the two state departments. Full-time boarding care shall not be permitted in a day care facility.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Secretary
DEPARTMENT FOR HUMAN RESOURCES
Inspector General
OFFICE OF THE INSPECTOR GENERAL
Director
DIVISION OF LICENSING AND REGULATION
Manager
FIELD OPERATIONS BRANCH
Region Supervisors
Regional Licensing Staff

Regional licensing staff in four regions carry out the day to day licensing functions under direct supervision of the state central office. Licenses are issued and revoked at the state central office division level.

122. Responsible Official

All inquiries should be addressed to:

Director of the Division
For Licensing and Regulation
Office of the Inspector General
Department for Human Resources
Fourth Floor East
275 East Main Street
Frankfort, Kentucky 40601
(502) 564-2800

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

KY. REV. STAT. § 199.896 License required; application; fee; disposition of receipts; advertisement; unannounced inspections; penalty.

The secretary may adopt regulations relating to license fees and may establish standards of care and service for the day-care center and procedures for enforcement of penalties.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

KY. REV. STAT. § 199.896 License required; application; fee; disposition of receipts; advertisement; unannounced inspections; penalty.

No person, association or organization shall conduct, operate, maintain or advertise any day-care center or home without obtaining a license as provided in KRS 199.892 to 199.896.

905 KAR 2:010 Standards For All Families - Section 3 Licensing Issuance.
The license shall be issued for a specified physical location and for operation by a designated director and sponsor or owner, for specific hours of operation, and for a specified maximum number of children on the premises at any one time. The number for which the facility is licensed shall be determined by available space, adequacy of program, equipment and staff.

Section 5 Licensing Procedure.
Prior to application, a prospective director contacts the Department for Human Resources to obtain a copy of Standards and Regulations. A representative from the Department will be assigned to work with the prospective operator. After conferring with the representative, the applicant applies for license; completes three copies of the application provided by the representative; sends two completed applications, and fee to Department for Human Resources, Division for Licensing and Regulation, or its successor, Frankfort, Kentucky.

Section 6 Permission to Open.

No facility subject to licensing shall begin operation without permission to open from the Department for Human Resources. In order to open, the facility shall have:

Approval of Office of the State Fire Marshal or his designee.

Approval of the Department, Bureau for Health Services, or its designee as to adequate health and sanitation standards.

Adequate equipment, supplies, and staff to serve initial enrollment of children.

Once a facility is serving children, a license evaluation study will be made by a representative of the Department for Human Resources to determine if the facility qualifies for licensing, based on the regulations.

222. Fee Charged

KY. REV. STAT. §199.896 License required; application; fee; disposition of receipts; advertisement; unannounced inspections; penalty.

Each initial application for a license shall be made to the department and shall be accompanied by a fee of not more than thirty-five dollars ($35.00) and shall, excepting provisional licenses, be renewable upon expiration and reapplication when accompanied by a fee of not more than ten dollars ($10.00). Regular licenses and renewals thereof shall expire one (1) year from their effective date.

905 KAR 2:010 Standards for All Facilities - Section 4 Licensing Fee.

Licensing fee shall be:

$25 for all new facilities

$10 annual renewal fee for all facilities

A check or money order payable to the Kentucky State Treasurer shall be attached to the license application.

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

905 KAR 2:010 Standards for All Facilities - Section 7 License Renewal Procedure.

Facilities shall be relicensed annually from the date of issuance of the original license.

The Department for Human Resources shall notify the facility when a renewal application shall be filed.

> Renewal application shall be mailed to a facility at least six weeks prior to expiration date.
>
> Health and safety inspections shall be requested by the Department.
>
> A licensing representative shall visit and make recommendations for relicensing.

225. Conditional/Provisional Licenses

KY. REV. STAT. § 199.896 License required; application; fee; disposition of receipts; advertisement; unannounced inspections; penalty.

If the day-care center does not meet the standards prescribed for licensing by the secretary, a provisional license may be issued and remain in effect for a period of six (6) months.

905 KAR 2:010 Standards for All Facilities - Section 2 Responsibilities of the Department for Human Resources - Types of Licenses.

A provisional license shall be issued when the facility does not meet the requirements for a regular license but there is sufficient reason for belief that the facility will comply with minimum regulations within the time period designated by the licensing authority. A provisional license shall be issued for a period not to exceed one year and shall not be renewable.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

905 KAR 2:010 Standards for All Facilities - Section 2 Responsibilities of the Department of Human Resources.

Licensing Authority... Authorized representatives of the Department for Human Resources shall at all times have the right to inspect premises, records required by this regulation, and programs of day care facilities. The office of the State Fire Marshal, or his designee, shall have the right to inspect premises, records, and programs insofar as such inspections relate to fire safety requirements.

232. Denial, Suspension, Revocation of a License

Section 8 Basis for Revocation or Denial.

The Secretary for Human Resources may deny, suspend, or revoke a license at any time the day care facility fails to meet the minimum standards as set forth in the regulations.

KY. REV. STAT. § 199.896 License required; application; fee; disposition of receipts; advertisement; unannounced inspections; penalty.

No day-care center shall be refused a license or have its license revoked for failure to meet standards set by the secretary until after the expiration of a period not to exceed six (6) months from the date of the first official notice that the standards have not been met.

233. Remedies and Sanctions

233.1 Hearings

905 KAR 2:010 Standards for All Facilities - Section 9 Right of Appeal.

When a license has been denied, suspended, or revoked, the director, owner, or president of the governing board, shall be notified in writing of the right to appeal to the Secretary or his authorized representative for a hearing. The request for a hearing shall be made in writing within fifteen days after receiving the notice of action of the Secretary.

Upon receipt of the request for a hearing, the Secretary or his representative shall notify the director, owner, or president of the governing board in writing within fifteen days of the time and place of the hearing.

233.2 Decisions

See 233.1. Hearings

233.3 Judicial Review

KY. REV. STAT. § 199.896 License required; application; fee; disposition of receipts; advertisement; unannounced inspections; penalty.

Any person who operates a day care center or home without proper licensing shall be fined not less than one thousand dollars ($1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.

KY. REV. STAT. § 199.990 Penalties.
Any person who violates any of the provisions of KRS 199.896 shall be fined not less then twenty dollars ($20.00) nor more than two hundred dollars ($200) or imprisoned for not more than thirty (30) days, or both.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

905 KAR 2:010 Standards for All Facilities - Section 3 Licensing Issuance.
A license is not transferable. A change in ownership of a facility requires a new application and fee. When circumstances covered by the license change (i.e., number of children to be served, location, director, hours of operation, when the difference is over one hour), notification shall be made to the Department so that a revised license can be issued. This does not require an additional fee. In all cases except change of director, notification shall be made in advance.

The license shall be posted in a conspicuous place.

Section 10 Administrative Responsibilities.

General:

The person, corporation, partnership, voluntary association, or other public or private organization ultimately responsible for the overall operation of a child day care facility must be sufficiently familiar with the provisions of the day care regulations to ensure continuing compliance.

One person designated as director shall have primary responsibility to the Department for maintaining adequate standards of operation in accordance with the child day care regulations.

Staff shall be instructed in the requirements for operation and a copy of the minimum standards must be available for their use.

Services:

The services to be provided within the day care facility shall be clearly stated at the time of the application. The Department shall be notified of any change in services. A written statement of services and policies shall be shared with parents.

Section 11 Records of the following shall be maintained at the facility:

Records of monthly fire drills.

Section 12 Reports of the following shall be made to the Department.

Any serious occurrences involving children including accident or injury requiring extensive medical care and/or hospitalization; or death; or any form of child abuse; or fire or other emergency situations; or any incident which results in legal action by or against the center which affects any child or children or personnel - within 24 hours.

Change of ownership, sponsorship or director - within one week.

Change of location - sufficiently in advance to allow for approval of the facility.

Change of hours of operation - in advance.

Change of staff - within two weeks.

905 KAR 2:040 Nighttime Care - Section 3 Services.

Hours of operation shall be stated on license application. The facility shall operate only during specified hours.

No child in care is permitted to spend more than sixteen (16) hours in the facility during one (1) twenty-four (24) hour period or day. Where school-age children are served, time spent in school shall be included in the sixteen (16) hour limit.

312. Telephone

Section 2 Physical Facilities - Building.

The center shall be equipped with a telephone accessible to the rooms used by the children.

313. Proof of Operator Financial Capabilities

905 KAR 2:010 Standards For All Facilities - Section 10 Administrative Responsibilities - General.

Sufficient funds shall be available and utilized to ensure adequate care of the children in accordance with these regulations. No child shall be exploited in fund raising or advertising campaigns. Liability insurance shall be carried by the facility.

314. Insurance

See 313. Proof of Operator Financial Capabilities

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

905 KAR 2:010 Standards for All Facilities - Section 11.

Records of the following shall be maintained at the facility:

Sufficient records to identify the individual children and to enable the person in charge to communicate with the parents or persons designated as being responsible for the child either at their home or place of employment, and in a medical emergency, with the family physician.

Each child's medical history, along with authorization for emergency medical care, signed by the parent or guardian and left with the center director at the time of enrollment.

Permission for child to be toilet trained, signed by the parent or guardian.

Permission for trips off the premises, signed by the parent or guardian.

Records of non-center sponsored activities attended by school-age children, signed by the parent.

Daily attendance records of children.

342. Staff

905 KAR 2:010 Standards for All Facilities - Section 11.
Records of the following shall be maintained at the facility:

Health records of all staff.
A written schedule of staff working hours.
Records of staff training.
A written plan for staff training.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

905 KAR 2:010 Standards for All Facilities - Section 12.
Reports of the following shall be made to the Department:

> Any serious occurrences involving children including accident or injury requiring extensive medical care and/or hospitalization; or death; or any form of child abuse; or fire or other emergency situations; or any incident which results in legal action by or against the center which affects any child or children or personnel - within 24 hours.

345. Confidentiality of Records Requirements

905 KAR 2:010 Standards for All Facilities - Section 10 Administrative Responsibilities - General.

All information concerning children, their parents, relatives or guardian shall be kept in strict confidence by the staff, except for sharing information with individuals who are personally or professionally responsible for the well-being of the child.

181

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

905 KAR 2:010 Standards for All Facilities - Section 10 Administrative Responsibilities.

Minimum staff-child ratios for all facilities shall be maintained throughout the times that a facility is in operation, as follows:

Age of Children	Ratio
Under one year	1 staff for 6 children
1 to 2 years	1 staff for 6 children
2 to 3 years	1 staff for 8 children
3 to 4 years	1 staff for 10 children
4 to 5 years	1 staff for 12 children
5 to 7 years	1 staff for 15 children
8 or older	1 staff for 20 children

In facilities where more than one staff member is present, the following apply:

Mixed age groupings including children under two years	1 staff for 6 children
Mixed age groups children ages 2 to 6	1 staff for 10 children
Mixed age groups children age 6 and older	1 staff for 15 children

412. Methods of Computing Staff/Child Ratios

905 KAR 2:010 Standards for All Facilities - Section 1 Staff.
At all times one adult shall be designated as being in charge. At no time shall children be left without adult supervision.

A minimum of two qualified substitutes with current health certificates shall be available in case of need.

Additional staff shall be employed during cooking and cleaning periods if necessary to ensure adequate supervision of the children.

The total child care staff shall be sufficient to provide the services for which the facility is licensed considering the hours of care given, the program offered, the size of the facility, and the number and ages of children under care.

Section 10 Administrative Responsibilities - Staff-Child Ratios.
When only one staff member is present in the facility, the age of the youngest child determines the staff-child ratio. In no case may one adult alone provide care for more than ten pre-school children, or for more than fifteen school-age children.

Children under care shall never be left without competent adult supervision. Additional staff shall be employed during cooking and cleaning periods if necessary to insure adequate supervision of the children.

905 KAR 2:040 Nighttime Care - Section 4. Responsibility.
A nighttime director who is also a day care director shall employ additional staff to work in the facility at night.

Section 5 Staff.
Staff members shall remain awake while on duty.

At least one staff member shall be stationed in an area on the same floor with children, either in or adjacent to each sleeping room.

The total child care staff shall be sufficient to provide the services for which the facility is licensed considering the hours of care given, the program offered, the size of the facility, and the number and ages of children under care. The adult/child ratio shall not be less than set out in the general requirements. Additional staff shall be employed during cooking and cleaning periods if necessary to insure adequate supervision of the children.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section 1 Staff.

The number of adult workers in a center shall be sufficient to ensure that minors and trainees are at all times under direct supervision. No staff person under age of sixteen (16) shall be counted as part of the staff-child ratio.

512. Health

Section 1 Staff.

All members of the child care staff shall be mentally and physically able to provide good care, maintain responsible supervision, and stimulate normal development.

A certificate stating that each staff member is free from any illness which might conflict with the children's interest and including results of VDRL and a tuberculin test shall be a prerequisite to employment or volunteer service. Tuberculin test reports shall be obtained and maintained on file annually thereafter. Additional health examinations may be required where appropriate. All adult household members shall have an annual TB test.

513. Education

Not specified

514. Experience

Section 1 Staff.

Staff members shall have a suitable personality for working with children. Personal qualities must include patience, flexibility, and imagination. Staff shall have interest in, respect for and acceptance of children.

Staff shall have practical knowledge of first aid.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 342. Staff and 512. Age

523. Education

Not specified

524. Experience

Section 1 Staff.

The director shall be a mature, literate adult who is responsible and who has knowledge and understanding of the needs of children.

The director shall have the ability to relate effectively to parents and to assume responsibility for supervision and conduct of staff.

The director shall have the ability and willingness to provide a child care program which meets the regulations set forth.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Section 1 Staff.

The director shall cooperate with the licensing and other appropriate agencies to improve the quality of care and competency of staff. This includes attendance by the director and staff at workshops and training sessions. Department-sponsored training is appropriate where accessible; courses or workshops sponsored by other groups may be substituted where appropriate.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Section 3. Care of the Children - Program.

The day care center shall provide a planned program of well-balanced and constructive activities geared to the individual needs and developmental levels of the children served. These activities shall provide experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being. The daily program shall be under adult supervision and shall provide:

A variety of creative activities including the following: art, music, dramatic play, stories and books, science, and block building.

Indoor and outdoor play in which the children make use of both small and large muscles.

A balance of active and quiet play, including group and individual activities, both indoors and outdoors.

Opportunities for a child to have some free choice of activities and to play alone, if he desires, or with others.

Opportunities to practice self-help procedures in respect to clothing, toileting, hand-washing, and feeding.

Activity areas, equipment, and materials so arranged that the child's activities are visible to the supervising staff.

Regularity of physical routines to afford the child the security of knowing what is coming next.

Sufficient time for activities and routines so that children can progress at their own developmental rate.

No long waiting periods between activities or prolonged periods during which children must stand or sit.

905 KAR 2:040 Nighttime Care - Section 8 Program.
A nighttime care facility, if children are present for extended periods of time during their waking hours, shall provide a basic program of well-balanced and constructive activities geared to the age levels and developmental needs of the children served.

Appropriate quiet activities shall be provided before bedtime.

612. Program Equipment and Materials

Section 2 Physical Facilities - Equipment.
There shall be adequate and safe play equipment in good repair, both indoors and outdoors, to meet the physical and other developmental needs and interests of children of different age groups.

Each center shall have enough toys and play apparatus to provide each child with a variety of activities during the day as specified in Section 3, Care of the Children.

Tables and chairs shall be of a suitable size for children.

An individual cot or crib shall be provided for each child with a sheet and cover which shall be laundered as needed and always upon change of occupancy. Cots and all other equipment and furnishings shall be properly spaced so as to allow free and safe movement by children and adults.

613. Nap Provision

Section 3 Care of the Children - Health.
The children in attendance shall have sufficient supervised rest for their ages and for the number of hours spent at the facility.

905 KAR 2:040 Nighttime Care - Section 7 Equipment.
Cots, cribs, or beds, all with good firm mattresses, protected wtih waterproof materials, kept clean at all times, shall be provided for each child if his sleeping period is more than three (3) hours.

A sheet and cover, laundered as needed and always upon change of occupancy, shall be used on each bed.

There shall be at least two (2) feet of space between each bed.

614. Discipline and Guidance

Section 3 Care of the Children - Discipline.

Disciplinary methods shall be designed and implemented through positive guidance to help the individual child develop self-control and assume responsibility for his acts. The center shall:

> Establish simple and consistent rules both for children and staff that set the limits of behavior.
>
> Not subject children to harsh or physical discipline, nor shall any method of discipline be used that is humiliating, threatening, shaming or frightening; loud, profane or abusive language shall not be used.
>
> Not associate discipline with rest, toileting, or food.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Section 3 Care of the Children - Health.

Toilet articles such as combs, brushes, toothbrushes, towels and washcloths used by children shall be individual and plainly marked.

712. Health Assessments

Section 3 Care of the Children - Health.

A current record of each child's medical history and immunization information shall be on file.

713. Immunizations

See 712. Health Assessments

714. Sanitation

Section 2 Physical Facilities - Building.
The facility shall conform to health and sanitation standards of the Department and to fire safety standards as set out by the Office of the State Fire Marshal.

Section 3 Care of the Children - Health.
The water supply shall be approved by the local health department. Drinking water shall be freely available and individual drinking cups provided.

905 KAR 2:040 - Night-time Care - Section 6 Building.
Adequate facilities shall be available for individual bathing, toileting, and toothbrushing.

Section 9 Health.
Toilet articles shall be individual and identified for each child. Bathing and toothbrushing schedules shall be arranged with parents.

Children sleeping three (3) hours or more shall sleep in pajamas or nightgowns, not in daytime clothes. School children shall receive breakfast if they go to school from the center, and they shall be groomed and dressed appropriately.

715. Daily Illness Screening

Section 3 Care of the Children - Health.
Each child shall be given a daily health inspection upon arrival. Any child showing any signs of illness shall not be admitted. If a child becomes ill during the day, he shall be placed in a supervised area isolated from the rest of the children, until arrangements can be made for him to be taken home.

716. Care of Sick Children

See 715. Daily Illness Screening

717. Medication and Special Diet Provisions

Section 3 Care of the Children - Health.
No medication shall be given to a child except as prescribed by a duly licensed physician or on daily written request of the parent or guardian.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

905 KAR 2:060 Transportation Standards - Section 1.
When transportation is provided or arranged by a day care facility, children shall be protected by adequate provision for staff supervision as specified in 905 KAR 2:010, Section 10, subsection (3), and safety precautions. There shall be conformance to state laws pertaining to vehicles, drivers, and insurance.

Section 2. The following requirements shall be met when a day care facility provides or arranges transportation:

> Any center providing transportation service shall have an individualized written plan and statement of transportation policies and procedures.
>
> Each child shall have a seat and remain seated while the vehicle is in motion.

On any vehicle equipped with seat belts, these shall be used to secure individual children.

No vehicle shall be used to transport more individuals than its rated capacity.

A vehicle containing children shall never be left unattended.

The maximum number of children under the age of six (6) a driver shall supervise is five (5), including a maximum of two (2) under age two (2).

A child under age six (6) shall not be left unattended at the time of delivery.

If the parent, or a person authorized bv the parent to accept the child, is not present upon delivery of the child, a note shall be left explaining where the child can be picked up.

If anyone other than the authorized person is to receive the child, such arrangements shall be made in person, by the parent or guardian.

Any vehicle other than those covered under Kentucky school bus regulations for Type I or Type II vehicles, shall not pick up and deliver children to a location which would require the child to cross the street or highway unless accompanied by a responsible person.

Section 3. The following regulations shall be met when transportation is provided by any means other than licensed public transportation:

The vehicle shall be maintained in excellent condition at all times.

The vehicle used for transportation shall be covered by passenger liability insurance.

A thorough inspection of the vehicle shall be made and documented by a qualified mechanic at least every six months.

The vehicle shall be checked, every day that it is used for transporting children, by the day care director or a delegated adult. Special attention shall be given to the steering mechanism, brakes, tires, and exhaust system, to assure that the vehicle is in good operating condition.

Any defects in the vehicle shall be reported immediately to the day care director. The vehicle shall not be used for transporting children until all defects are corrected.

Vehicles used to transport children, which require other traffic to stop while loading and unloading children at their various homes along public highways, shall meet the Kentucky school bus regulations for Type I and Type II vehicles.

The driver of the vehicle transporting children shall meet the same general qualifications as those set forth for other members of the day care staff.

The driver shall hold an appropriate license to transport children.

The driver shall drive safely and defensively at all times.

The motor shall be turned off, keys removed, and brakes set anytime the driver is not in the driver's seat.

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Section 3 Care of the Children - Health.

... Provisions shall be made for obtaining emergency medical care.

727. First Aid Supplies

Section 3 Care of the Children - Health.

Sufficient first aid supplies shall be available to provide prompt and proper first aid treatment.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section 3 Care of the Children - Health.

All children present at meal time shall be served a nutritious meal which includes a food from each of the four basic food groups. Adequate amounts of food shall be available. The center shall provide a nourishing mid-morning and mid-afternoon snack.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section 2 Physical Facilities - Building.
The kitchen shall be clean and equipped for the proper preservation, storage, preparation, and serving of food, and shall not be used for any other activities of the center.

Section 3 Care of the Children - Health.
Children shall be seated comfortably at eating time with sufficient room to manage food and implements.

Individual eating utensils shall be of size and design that children can handle easily.

Weekly menus shall be prepared, dated and posted in advance in a conspicuous place.

905 KAR 0:40 Nighttime Care - Section 6 Building.
A kitchen shall be available if meals are to be served.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

905 KAR 2:035 Infant/Toddler Care.

Section 1. Minimum standards as prescribed for child day care facilities shall apply to all infant/toddler care.

Section 2. An infant/toddler shall be considered to be under two (2) years of age.

Section 4 Equipment.

Comfortable chairs shall be provided for staff to use when feeding, holding or playing with children.

There shall be equipment that encourages creeping, walking, and climbing.

Section 5 Staff Qualifications and Duties.

Caregivers for infant/toddlers shall meet all staff qualifications as required under minimum standards.

Caregivers shall have the ability to implement a well-balanced daily program to meet the child's total developmental needs.

Caregivers shall have high energy level, as infants/toddlers require constant attention.

Caregivers shall have tolerance for "baby ways" and be sensitive to the changing needs of the child.

Caregivers shall have a special awareness of their impact on the infant/toddler, and enjoy giving care and providing growth experiences for very young children.

Section 6 Daily Schedule.

Scheduling shall not be too rigid but should be planned, to allow for some regularity of sleep, feeding, and play times, based on the individual needs of each child.

Schedules shall be changed according to the rate of development of each child.

Section 7 Program.

The program shall provide a play environment that invites learning and experimentation, and variety in the child's daily experiences.

Infants/toddlers shall not be left in a crib or playpen for long periods of time while awake.

Infants/toddlers shall be given the stimulation of physical holding.

Infants/toddlers shall have the opportunity to play in an atmosphere of loving attention and alert supervision.

Infants/toddlers shall have opportunities to move about safely, to explore, look, listen, and manipulate, but also must be protected from over-stimulation.

The caregiver shall set firm limits on actions that are dangerous or objectionable while never resorting to any method of harsh punishment.

Section 8 Diapering and Toilet Training.

Diapering and toilet training shall be a relaxed, pleasant activity. Written parent permission shall be obtained before toilet training is begun.

1120. HEALTH AND SAFETY REQUIREMENTS

905 KAR 2:035 Infant/Toddler Care - Section 3 Physical Facilities.
Indoor areas for infant/toddlers shall be separated from areas used by older children.

There shall be adequate crawling space protected from older children away from general traffic patterns of the center.

The area shall be well-ventilated, appropriately heated or cooled, free from odors, and direct drafts on children.

Each area used for infants shall have direct access to handwashing facilities.

A protected outdoor area, with sun and shade and out of the traffic pattern of older children, shall be provided.

Section 4 Equipment.
There shall be an individual crib or baby bed, appropriate to the age of the child, with waterproof firm mattress and an adequate supply of individual sheets and blankets.

Tiered cribs shall not be allowed. This regulation does not apply to those in use prior to the effective date of this regulation. There shall be adequate space for storage of individual child's bedding and clothing.

Supplies shall be stored so that the adult may reach them without leaving the child unattended.

There shall be a variety of safe washable toys; appropriate to the age levels and number of children present. Toys shall be too large to swallow, durable, and without sharp points or edges.

Section 5 Staff Qualifications and Duties.

Caregivers shall provide safe and supervised environment which will protect the child from hazards.

Caregivers shall have the ability to safeguard health through provision of good sanitation, adequate rest, food and exercise.

Section 8 Diapering and Toilet Training.

Adequate quantities of freshly laundered or disposable diapers and clean clothing shall be always on hand.

The infants/toddlers shall be kept clean, dry and comfortable throughout the day. Diapers and/or wet clothing shall be changed promptly.

Soiled diapers shall be stored in covered containers temporarily and shall be washed at least once a day.

When changing table is used, each child shall lie on a fresh washable or disposable covering.

Individual washcloths and towels shall be used to thoroughly dry the child's buttocks.

When training chairs are used, they shall be emptied promptly and sanitized at least once a day.

Caregivers shall wash hands after diapering or toileting each child.

Section 10 Sleeping.

Each child shall have a separate crib or cot for sleeping located in a quiet area.

Each child's bedding shall be used for him/her only, and replaced when wet or soiled.

When the caregiver is not actually in the sleeping room, doors shall be left open and a staff member shall be stationed on the same floor in the area adjacent to the sleeping room.

Infants/toddlers' shoes and restrictive clothing shall be removed for sleep periods.

Section 11 Health and Safety.
Efforts shall be maintained to protect infants/toddlers from special dangers.

An infant/toddler who has a communicable infection shall be promptly isolated with supervision until the parents pick him/her up.

Section 12 Records.
Records required by 905 KAR 2.010, Section 11, shall be maintained. In addition, parents shall supply a record of the child's usual daily schedule at home, when child is entered in the center.

1130. INFANT NUTRITION

905 KAR 2:035 Infant/Toddler Care - Section 9 Feeding.
The infant's formula shall be prepared and provided by the parent.

Bottles shall be individually labeled and promptly refrigerated.

Bottles, nipples, and all other feeding equipment shall be properly sterilized before use.

Caregivers shall wash hands immediately before feeding children.

At no time shall a child be placed in bed with a propped bottle.

At no time shall a child be allowed to carry a bottle around with him.

Infants/toddlers shall be introduced gradually to new foods and new skills; e.g. cup feeding, and shall be allowed to help feed themselves.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM ACTIVITIES

905 KAR 2:030 School Age Children.

Section 1. A Type I or Type II day care facility receiving school-age children shall comply with standards prescribed when not inconsistent with special requirements or exceptions as noted below.

Section 2. A school-age child shall be considered one attending first grade or above. Day care for school-age children shall include care given before, after, and/or at times when school is not in session.

1320. HEALTH AND SAFETY REQUIREMENTS

905 KAR 2:030 School Age Children - Section 3. Physical Facilities.
A separate area or room shall be provided for school-age children.

Separate toilet facilities for males and females, or a plan whereby the same facilities are used at separate times, shall be provided.

If the only food served by the center is an afternoon snack for the school-age children, a kitchen is not required if adequate refrigeration is available.

An outdoor play area shall be provided unless there are other provisions made for active play.

There shall be provision made for rest and quiet.

Section 4 Care of the Children.

All school-age children shall be provided a snack after school.

A day care facility which admits school-age children shall provide activities for them, according to their ages and individual needs.

The presence of school-age children shall not interfere with or detract from the care of younger children.

The schedule of activities for the school-age children shall at no time call for their supervising themselves or younger children.

The program or schedule shall be flexible enough to enable a child to participate in desirable, nonacademic activities.

Provision shall be made for active play.

In addition to records required by 905 KAR 2.010, Section 11, each child's personal weekday schedule of non-center sponsored activities shall be provided by the parent to the center in writing. Written permission of the parent shall be obtained for scheduled changes.

1400. FACILITY REQUIREMENTS

1410. SPACE

Section 2 Physical Facilities - Building.
The building shall be suitable for the purpose intended with a minimum of 35 square feet of space per child used for play, exclusive of the kitchen, bathroom, and storage areas.

If all or any portion of the building is used for purposes other than day care, necessary provisions shall be made to avoid interference with the day care program.

Grounds

There shall be an outdoor play area free from litter, glass, rubbish, and inflammable materials and adequate in size to accommodate the number of children using the area at a particular time. The outdoor area shall be suitably surfaced and drained. All facilities shall be fenced unless the Department determines that fencing is not necessary for the protection of the children.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section 2 Physical Facilities - Building.
The building shall be so constructed that it is dry, adequately heated, ventilated, lighted; that windows, doors, stoves, heaters, furnaces, pipes, and stairs are protected; that screening is provided on windows and doors which are left open; and that floors are free from splinters and easily cleaned.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Section 2 Physical Facilities - Building.

There shall be a minimum of one toilet and wash basin for each 20 children. Toilet facilities shall be cleaned and sanitized daily.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Section 2 Physical Facilities - Building.

The facility shall conform to health and sanitation standards of the Department and to fire safety standards as set out by the Office of the State Fire Marshal.

Plans and specifications for new buildings and/or additions which are to be constructed for day care facilities shall be approved prior to construction by health and fire safety officials having jurisdiction.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

See 1520. FIRE

Except where otherwise noted, all citations are to the Louisiana Department of Health and Human Resources, Minimum Standards for Licensure of Child Day Care Centers, February, 1981.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

LA. REV. STAT. ANN. §1401 Definitions.
As used in this Chapter, the term child welfare agency shall include child-caring institution, child-placing agency, maternity home, family boarding home and day care.

"Day care center" shall mean any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of thirteen years, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for less than twenty-four hours a day, in a place other than the children's home.

112. Exclusions and Exemptions

LA. REV. STAT. ANN. §1401 Definitions.
This definition shall not include those agencies exempted from licensing standards by the department, pursuant to R.S. 46:1402, nor shall it include any institution, society, agency, corporation, facility or other group which is classified as a Montessori school whether or not certified under the provisions of Chapter 27 of Title 17.

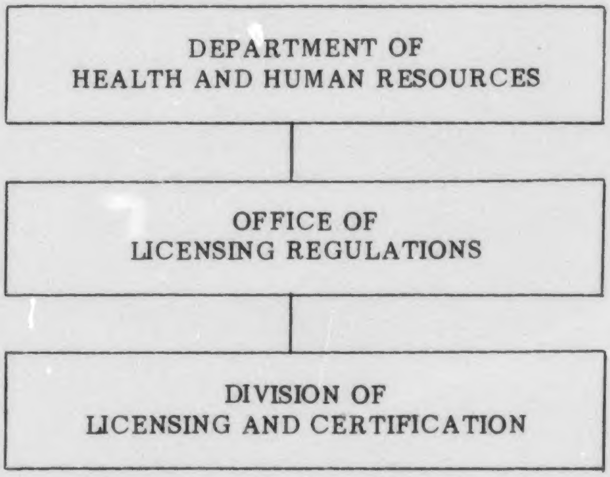
LA. REV. STAT. ANN. §1404 Agencies Subject to Regulation; Exceptions. Any child welfare agency, as defined in R.S. 46:1401, which is under direct management of an administrative department of the state shall not be subject to the provisions of this Chapter. Any child welfare agency as defined in R.S. 46:1401, which is under the direct management of any parish, municipality, or private organization or person, except the Louisiana Masonic Home for Children at Alexandria, shall be subject to the provisions of this Chapter.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF LICENSING REGULATIONS
DIVISION OF LICENSING AND CERTIFICATION

Day care center licenses are issued and revoked at the state central office level, and the day to day monitoring functions are also carried out at that level. Louisiana does not regulate family day care, and day care center licensing is voluntary.

122. Responsible Official

All inquiries should be addressed to:

Supervisor of Licensing and Certification
Division of Licensing and Certification
Office of Licensing Regulation
Department of Health and Human Resources
Box 3767
Baton Rouge, Louisiana 70821
(504) 342-6446

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

LA. REV. STAT. ANN. §1402 Standards for Licenses.
The department shall develop and publish standards for license for each type of child welfare agency defined in R.S. 46:1401 with due regard for the welfare of children. The department may also provide for exemptions from the licensing requirements for any types of agencies which, in the public interest, should not be subject to such licensing standards. Such exemptions shall be in the form of administrative regulations, duly promulgated according to law.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

I Organization and Administrative Plan - Application for Licensure.
Application shall be in writing on the application forms furnished by the Office of Licensing and Regulation and shall be submitted to the Office of Licensing and Regulation, Division of Licensing and Certification.

LA. REV. STAT. ANN. §1403 Licenses.
All parish, municipal and private child welfare agencies shall be licensed by the department, said license to be based on standards developed by the department with due regard for the welfare of children; provided, however, that a license issued to a child placing agency shall also include all family boarding homes approved, supervised and used by the licensed agency as a part of its work.

Application for license shall be made by the child welfare agency to the department upon blanks furnished by it. Upon receipt of the application for license, and upon establishment of the fact that such child welfare agency is suitable and properly managed as such and that minimum requirements for license as determined by the department are met, the department shall issue such child welfare agency a license for such period as may be provided for in the published standards of the department.

LA. REV. STAT. ANN. §1405 Time for Making License Application.
Any existing child welfare agency, which is not licensed under the provisions of R.S. 46:1 et seq. must make application for license within one hundred and twenty days following the August 1, 1956.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

LA. REV. STAT. ANN. §1403 Licenses.

If the department finds that any child welfare agency does not meet the standards established by the department for license, but is attempting to meet these said standards, the department at its discretion may issue a temporary license to said child welfare agency; provided, however, that no temporary license shall be issued to any privately owned and operated day care center to be operated as a business for profit, and no such day care center shall be operated unless it meets the standards of the department and holds a valid regular license issued by the department.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

LA. REV. STAT. ANN. §1410 Inspections.

It shall be the duty of the department, through its duly authorized agents, to inspect at regular intervals without previous notice all child welfare agencies.

232. Denial, Suspension, Revocation of a License

LA. REV. STAT. ANN. §1403 Licenses.

The license may be revoked or suspended at any time after due notice to the licensee if that agency fails to maintain minimum requirements for license.

233. Remedies and Sanctions

233.1 Hearings

LA. REV. STAT. ANN. §1407 Refusal or Revocation of License; Appeal Procedure.

Upon the refusal of the department to grant a license as provided in this Chapter, or upon the revocation of a license, the agency, institution, or individual having been refused a license or having had the license revoked shall have the right to appeal such action by submitting a written request to the assistant secretary of the office of family services within thirty days of the date of such refusal or revocation. The conduct of appeal hearings shall be in accordance with applicable regulations of the department and the provisions of R.S. 46:107. This provision shall in no way preclude the right of the party to seek relief through the right of mandamus suit against the commissioner, as provided by existing law.

233.2 Decisions

Not specified

233.3 Judicial Review

LA. REV. STAT. ANN. §1406 Operating Without License; Penalty.

Any child welfare agency operating without being so licensed by the department or without having made proper application for a license shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than two hundred dollars for each such offense. Each day of operation without a license or without license having been applied for as provided for herein shall constitute a separate offense.

LA. REV. STAT. ANN. §1408 Written Notice of Violations; Appearance before Grand Jury.

The department shall have the responsibility of giving written notice of any known violation of this Chapter to the district attorney of any parish in which said violation occurs within ninety days of the date of which said violation becomes known to the department. The right to appear before the grand jury of the parish shall be retained as provided by existing law for the violation of other criminal statutes.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

I Organization and Administrative Plan.
The responsibility of raising funds shall not interfere with the director's administrative duties in conducting the program.

Children shall not be involved in campaigns or publicity efforts without the written consent of the parent.

The Office of Licensing and Regulation, Division of Licensing and Certification shall be notified before changes are made which might have an effect upon the license (for example, changes in age range of children to be served, changes in space).

Arrangements for the child's return to the parent shall not include third parties or other child care facilities unless written agreement between the day care facility and the parent is on file with the center.

Required records include:

- Current written reports from the Department of State Fire Marshal and Office of Health.
- Occupational license (when applicable).
- Current day care license on display.

II Personnel.
If the number of children exceeds forty-two (42), the director or operator shall give full-time to administration. The director or operator shall be on duty a minimum of eight (8) hours a day at the center.

If day and night care are offered, there must be separate shifts.

If the director or operator is responsible for more than one center, there must be an individual designated as responsible for the operation of each center.

There shall be provisions for substitute help, if the director or any regular employee is absent from the center.

I Organization and Administration Plan - Governing Body.
There shall be a responsible governing body which shall be one of the following:

A board of local citizens elected or appointed for that purpose; or

A board or committee comprised of members from a religious, charitable, or educational organization, etc.; or

A public authority.

The governing body shall exercise sufficient authority so that it can be held reasonably responsible for the center's practice.

The governing body shall have the power to appoint and to dismiss the director of the center.

The governing body shall clearly define the duties and responsibilities of the director and determine who has authority to employ and dismiss personnel.

The governing body shall maintain records regarding qualifications and references of the director.

312. Telephone

III Plant Equipment.

There shall be a telephone at the center. Appropriate emergency numbers should be posted, such as fire department, police department, and medical facility.

313. Proof of Operator Financial Capabilities

LA. REV. STAT. ANN. §1411 Day Care Centers Are Not Required to Furnish Financial Statements.

The department shall not require any privately owned and operated day care center to furnish any profit or loss or other financial statement either before or after licensing by the department.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

I Organization and Administrative Plan.

The center shall have on file and available at all times the following records for each child in care:

> All information required on the Master Card (Form 94-B). (If a center has enrollment forms which contain all the information included on the Master Card, they may be used.)
>
> All medical information required on the Health Card (Form 94-G). (Children's health records need not be held after the date of withdrawal and should be returned to the parents.)

Prior to admission, a physician's statement that the child is free from communicable diseases is required (Physician's card, Form 94-G). The day care director shall ensure that the record on each child is available verifying the child has had or is in the process of receiving all immunizations appropriate to her/his age. These documents shall be part of the child's records. When the child leaves the day care facility, these documents shall be returned to the parent.

342. Staff

I Organization and Administrative Plan - Required Records.

There shall be on file at the center for each regularly employed and substitute member of the staff a record including the following information:

> Name, age, address, telephone number.
> Health records.
> Previous work experience and training, including education.
> Accidents, resulting in personal injury while on duty.
> A written staff plan for the director and staff member which includes the duties to be performed, the hours of work, and the person to whom each is responsible.

Personnel records should be kept for one year after the employee leaves. Health records may be returned to the staff member upon request.

343. Child Eligibility and Enrollment Requirements

IV Admission of Children.

Admission of children shall involve an interview with the parent to secure necessary information about the child and to complete Form 94-B (master card).

Prior to admission, a physician's statement that the child is free from communicable diseases is required (Physician's card, Form 94-G). The day care director shall ensure that the record on each child is available verifying the child has had or is in the process of receiving all immunizations appropriate to her/his age. These documents shall be part of the child's records. When the child leaves the day care facility, these documents shall be returned to the parent.

See also 711. General Health Requirements

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

II Personnel - Required Child Care Staff.

Required child care staff for centers serving ten (10) or fewer children (including the operator's and/or staff's own preschool children):

NUMBER	STAFF
10 (if no more than two children are under age two)	1
10 (if three or more children are under age two)	2

Required child care staff for centers serving eleven (11) or more children:

CHILDREN	NUMBER	STAFF
Non-walkers and toddlers under 12 months	6	1
Toddlers (over 12 months)	8	1
Two year olds	12	1
Three year olds	14	1
Four year olds	16	1
Five year olds	20	1
School age	25	1

When the center serves children of mixed ages, excluding children under two years, an average of the staff ratio may be applied.

412. Methods of Computing Staff/Child Ratios

II Personnel - Required Child Care Staff.

Only those staff members directly involved in child care and supervision shall be considered in assessing staff/child ratio.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

II Personnel - Child Care Staff.
Child Care Staff. Should be at least eighteen (18) years of age. Persons between the age of sixteen (16) and eighteen (18) enrolled in training programs approved by the Department of Education, may be employed provided the number does not exceed one-fourth (1/4) of the child care staff.

512. Health

II Personnel - Health Requirements.
All center staff shall be required to obtain, within two (2) weeks before beginning work, and at least every twelve (12) months thereafter, a written statement from a physician certifying that the individual:

Is in good health and is physically able to care for children.
Is free from infectious and contagious diseases.
Has no evidence of active tuberculosis. At the time of employment, a negative skin test or a negative chest X-ray is required.

The director or operator or any center staff shall not remain at work if he has any sign of a contagious disease.

If any staff member has been treated for a psychiatric disorder, a license shall not be granted until there is sufficient evidence that the staff person has recovered and is able to perform his duties. A written statement from the treating psychiatrist or his designated successor may be required by a licensing worker.

513. Education

Not specified

514. Experience

II Personnel - Child Care Staff.

Child Care Staff must have the skills and capability necessary to work with children in order to provide an environment conducive to the physical, emotional, and social growth of children.

Each staff member (includes the director, operator, child care staff, and any other employees of the center such as the cook, housekeeper, chauffeur) must be known in the community to be of good reputation.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

II Personnel - Qualifications.

Director or Operator must be at least twenty-one (21) years of age. During the director's absence from the center a staff member must be designated to assume the director's responsibilities. This staff member must be at least twenty-one (21) years of age.

522. Health

See 512. Health

523. Education

Not specified

524. Experience

II Personnel - Qualifications.
Director or Operator must be a mature, competent person who can combine the duties of administration with the duties of providing an environment conducive to the physical, emotional, and social growth of children. This shall be documented by two or more unrelated references who have knowledge of the director or operator's competence.

If a director or operator or member of his immediate family has had a previous license revoked or refused, upon reapplication, applicant shall provide satisfactory evidence that the reason for such revocation no longer exists.

530. SUPPORT STAFF QUALIFICATIONS

II Personnel.
Substitute workers and volunteer workers shall meet the same medical requirements as regularly employed staff.

A half-time cook/housekeeper shall be required every day in centers caring for twenty-one (21) but less than twenty-nine (29) children. A full-time cook/housekeeper shall be required every day in centers caring for twenty-nine (29) or more children.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

V Care of Children.

Children shall not be cared for in a day care center for more than ten (10) hours per day.

There shall be a schedule of the day's plan of activities, providing for flexibility and changes, as seem necessary. The program of activities shall be adhered to with reasonable closeness but shall accommodate and have due regard for individual differences among the children. The program shall provide time and materials for both vigorous and quiet activity for children to share or to be alone, indoor and outdoor play and rest. Regular time should be allowed for routines such as washing, lunch, rest, snacks and putting away toys. Active and quiet periods should be alternated so as to guard against overstimulation of the child. Quiet play such as storytelling or music should precede the lunch hour, which then should be followed by a rest period.

Children shall be supervised at all times. Preschool children shall never be left alone in any room or outdoors at any time without an adult present.

While on duty with a group of children, child care staff members shall devote their entire time in supervision of the children in participating with them in their activities.

612. Program Equipment and Materials

III Plant Equipment - Furnishings and Equipment.
Play equipment of sufficient quantity and variety for indoor and outdoor use shall be provided which is appropriate to the needs of the children. The equipment shall be maintained in good repair and shall include equipment which encourages active physical play (for example, climbing apparatus, swings, wheeltoys); and equipment which encourages quiet play or activity (for example, sand, clay, crayon, paints, story and picture books, dolls, puzzles, music).

There shall be low, open shelves within easy reach of the children for the storage of play materials in each play area.

There shall be individual space for each child's clothing, such as lockers or low hooks.

Chairs of a suitable size and table space must be available for each child two years or older.

613. Nap Provision

III Plant Equipment - Furnishings and Equipment.
Individual and appropriate sleeping arrangements must be provided for each child. (State and local health requirements regarding sleeping arrangements must be met.) Each child shall be provided with a cot or crib of appropriate size, height, and material, sufficient to insure his health and safety.

Mats may be used under certain circumstances. If the area used for napping is carpeted, or if the facility is centrally heated and cooled, the operator may request an exception to the requirement for cots. The request for an exception shall be made prior to the use of the mats. If mats are permitted, they must be at least one inch thick and also of adequate size and material to provide for the health and safety of the child.

Each child's sleeping accommodations shall be assigned to him on a permanent basis and labeled.

Sheets shall be provided by either the center or the parent, unless the cots or mats are covered with vinyl or another washable surface. A sheet or blanket shall also be available for covering the child.

Cribs, cots, or mats shall be spaced at least eighteen (18) inches apart when in use.

V Care of Children.
Pre-school children shall have a rest period of at least one hour.

See also 611. Program of Activities, and 1340. Health

614. Discipline and Guidance

V Care of Children - Discipline.
Each center shall establish policy in regard to methods of discipline. This statement of policy must be prominently posted.

No child shall be subject to physical punishment, verbal abuse or threats. Cruel, severe, unusual or unnecessary punishment shall not be inflicted upon children. Derogatory remarks shall not be made in the presence of children about family members of children in care or about the children themselves.

No child or group of children shall be allowed to discipline another child.

When a child is removed from the group for disciplinary reasons, he should never be out of sight of a staff member.

No child shall be deprived of meals or any part of meals for disciplinary reasons.

222

Reports of mistreatment of children coming to the attention of the Office of Licensing and Regulation will be investigated.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

I Organization and Administrative Plan - Required Records.
Health information regarding the persons living in a private residence, part of which is used as a day care center.

II Personnel - Qualification.
Each person living in a private residence, part of which is used as a day care facility, shall meet the same medical requirements as employed personnel and children enrolled.

See also 341. Children

712. Health Assessments

V Care of Children - Health Service to the Child.
Each child in the center shall have an annual physical examination and medical statement that the child is in good health and free from infectious or contagious diseases.

See also 341. Children

713. Immunizations

See 341. Children

714. Sanitation

III Plant Equipment - Furnishings and Equipment.
Staff smoking is allowed only when the center has a designated smoking area. Health regulations prohibit this designated area from being a food service area.

See also 1350. Sanitation

715. Daily Illness Screening

V Care of Children - Health Services to the Child.
Each child shall be observed for possible respiratory infections or skin disease and shall not be permitted to attend the center until he is free from fever or on prescribed medication for 24 hours.

716. Care of Sick Children

III Plant Equipment - Space Required.
There shall be provision for isolating temporarily a child having or suspected of having a communicable disease so he can be removed from the other children. Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.

V Care of Children - Health Services to the Child.
If symptoms of contagious or infectious diseases develop while the child is in care, he shall be placed in isolation until a parent or designated person has been consulted. Any child who has had a 101 degree temperature reading in the last twelve (12) hours is suspect.

If a child has had a highly contagious disease, such as chicken pox, measles, etc., the child shall not be allowed to return to the center until symptoms have subsided or until he is free from fever.

The parent or designated person shall be notified as soon as possible if a child develops symptoms of illness or suffers an accident while in care.

717. Medication and Special Diet Provisions

V Care of Children - Health Services to the Child.
No drugs of any type, including aspirin, should be given by the center personnel unless prescribed by the child's physician or authorized by the parent.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

III Plant Equipment - Safety Requirements.
Drugs, poisons, harmful chemicals, equipment and tools shall be locked away from the children.

Secure railing shall be provided for flights of more than three (3) steps and for porches more than three (3) feet from the ground.

Gates shall be provided at the head or foot of each flight of stairs to which children have access when children under two (2) years of age are in care.

Fences shall be provided where there are open cisterns, wells, ditches, fish ponds, and swimming pools.

The center and yard must be clean and free from hazards.

722. Fire Safety Requirements

See 1510. Fire

723. Transportation

VI Transportation.
The center which provides transportation of children assumes additional responsibility for the safety of children. The center's transportation plan must be posted.

The director or operator shall ensure that transportation arrangements conform to state laws.

The driver must be covered by liability insurance.

The driver shall hold a valid chauffeur's license if vehicles are used that require the driver to have a chauffeur's license.

The driver shall not leave the vehicle unattended at any time while transporting children.

The driver shall see that:

> Each child boards or leaves the vehicle from the curb side of the street and/or is safely conducted across the street.
>
> A responsible person is present when the child is delivered to his home or the center.
>
> Good order is maintained on the vehicle.

The vehicle shall be maintained in good repair.

Transportation by Commercial Concern.
When the center contracts with a commercial concern for transportation, it must select one with a good reputation and reliable drivers. The above rules on transportation should be observed.

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

V Care of Children - Health Services to the Child.

In case of emergency and the parent or the child's own physician cannot be reached immediately, the Master Card signed by the parent must be presented to the physician or medical facility providing emergency treatment.

727. First Aid Supplies

III Plant Equipment - Safety Requirements.

First Aid supplies shall be available at the day care center.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

V Care of Children - Nutrition.

Well-balanced and nourishing meals and snacks shall be provided. Children in care for more than four hours must receive a quantity of food that will supply approximately one-half to two-thirds (1/2 to 2/3) of the current Recommended Dietary Allowances of the National Research Council. Children in care for five or more hours must be served a hot meal.

Meals and snacks must be offered at two to two and one-half (2 to 2 1/2) hour intervals.

Weekly menus for meals and snacks shall be posted for viewing by the parents and reviewing by the Office of Licensing and Regulation.

Children coming in the morning without breakfast should be served this meal.

Food must not be sold to the children.

Drinking water shall be readily available to the children in single service cups or cups that can be sanitized. Drinking fountains are permissible. Infants and toddlers should be offered water at intervals.

812. Waiver of Requirements

V Care of Children - Nutrition.
It is not permissible for children to bring their own food to the center with the following exceptions:

> Children on therapeutic diets prescribed by physician may bring their own food for meals and snacks if a written request is received and kept on file.
>
> Refreshments for special occasions such as birthday parties and holidays, with prior approval from the director.

See also 1130. INFANT NUTRITION

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

V Care of Children - Daily Program.

Infants shall not remain in cribs, babybeds, or playpens all day.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

V Care of Children - Nutrition.

It is not permissible for children to bring their own food to the center with the following exceptions:

> Bottled formula for infants should be supplied by the parent and should be labeled.
>
> Infants are fed and supervised individually.
>
> Infants not able to hold their own bottle shall be held.
>
> Any current feeding recommendations of physicians should be kept on file and followed.

Infants and toddlers should be offered water at intervals.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

III Plant Equipment - Space Required.

There shall be a minimum of indoor space of at least thirty-five (35) square feet per child. The space shall not include toilet facilities, hallways, storage or food preparation areas, or office. Any room counted as play space must be available for play during play hours. If rooms are used exclusively for dining or sleeping, they cannot be included in play space.

The number of children using a room shall be based on the thirty-five (35) square feet requirement; except for group activities such as film viewing, parties, and dining.

There shall be outdoor space adjourning the center which provides a minimum of seventy-five (75) square feet for each child in the group at any one time. The minimum outdoor play space shall be available for at least one-half (1/2) of the number of children in care.

The outdoor play space shall be enclosed in such a manner as to protect the children from traffic hazards and to prevent the children from leaving the premises without supervision.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

I Organization and Administrative Plan - Required Records.

Certificate of Occupancy (zoning requirements) is required.

1520. FIRE

III Plant Equipment - Fire Safety.

A center shall in all respects meet the requirements of the fire prevention and safety authorities who have jurisdiction over it. Once an application for licensure is received, the Office of Licensing and Regulation shall request a fire inspection by the State Fire Marshal if this has not been previously requested by the operator. The operator shall be notified of this action. Thereafter, a yearly report of approval from the fire prevention and safety authorities is required.

1530. BUILDING

Not specified

1540. HEALTH

III Plant Equipment - Furnishings and Equipment.
State and local health requirements regarding sleeping arrangements must be met.

1550. SANITATION

III Plant Equipment - Sanitary Requirements.
The plant and equipment shall conform to state and local ordinances governing sanitation, as certified by a written statement given during the preceding twelve (12) months by an authorized representative of the Office of Health Services. Once an application for licensure is received, the Office of Licensing and Regulation shall request a sanitation inspection, if this has not been previously requested by the operator. The operator shall be notified of this action.

A yearly inspection by the Office of Health is required. The Office of Licensing and Regulation shall request this inspection annually if the operator has not already done so.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Maine Department of Health and Welfare, Rules and Regulations for the Licensing of Day Care Centers for Children, October, 1974.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Part I Definitions.
The term "day care center" shall mean a house or other place conducted or maintained by anyone who advertises himself or holds himself out as providing care and protection for 13 or more children under 16 years of age, except children related to the operator by blood, marriage, or adoption, who are unattended by parents or guardians, for any part of a day.

112. Exclusions and Exemptions

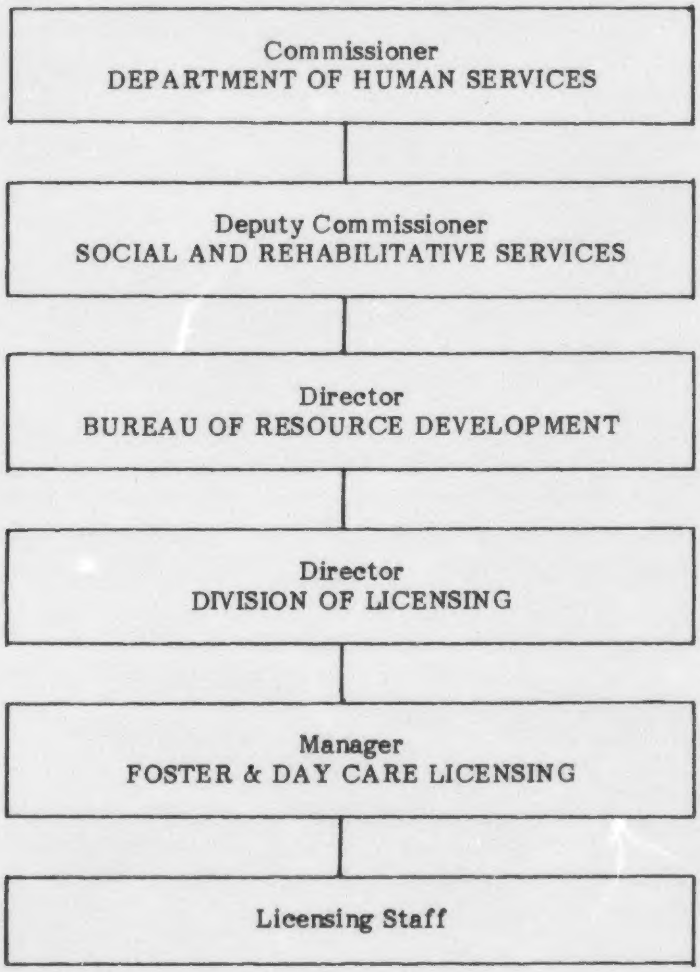
Part I Definitions
Any facility the chief purpose of which is to provide education shall not be considered to be a day care center.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Commissioner
DEPARTMENT OF HUMAN SERVICES
Deputy Commissioner
SOCIAL AND REHABILITATIVE SERVICES
Director
BUREAU OF RESOURCE DEVELOPMENT
Director
DIVISION OF LICENSING
Manager
FOSTER & DAY CARE LICENSING
Licensing Staff

In Maine, licenses are issued and revoked at the state central office level, and licensing staff are directly supervised by state central office staff although they are housed in the regions.

122. Responsible Official

All inquiries should be addressed to:

Director, Division of Licensing
Bureau of Resource Development
Social and Rehabilitation Services
Department of Human Services
Augusta, Maine 04333
(207) 289-3455

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Part II Minimum Requirements - Licensing.
Any person, firm, corporation or association operating a day care center for children under 16 years of age shall be required to have a license from the Department of Health and Welfare to operate this facility.

Licenses shall be effective for a twelve-month period from the date of issuance given on the license. If the licensee moves to a new location, the license at former address becomes void and licensee must apply immediately for a license to cover new location. If the director of the facility should change, an application for a new license must be submitted immediately.

Licenses are issued for a specified number of children in a specified age range and no person shall operate a day care center having in it more children than the number allowed by the license. A license may be reissued for a larger or smaller number of children at the discretion of the Department of Health and Welfare.

No license to operate a day care center shall be issued in combination with a license to maintain a boarding home for children or a child caring institution, unless separate facilities and separate staff are utilized.

Application for a license shall be made to the Social Services Unit, Department of Health and Welfare, State House, Augusta, on forms furnished by the Department of Health and Welfare.

Such inspections are made by an inspector employed by the State Fire Marshal's Office at the request of the Department of Health and Welfare.

222. Fee Charged

Not specified

223. Areas of Investigation

Part II Minimum Requirements - Licensing.

No license to operate a day care center at any location can be issued until such center passes a satisfactory inspection for fire safety and fire protection. Such an inspection must be made annually thereafter if the renewal license is to be issued.

All inspections shall be made under the provisions of Title 25, sections including 2360, 2391, 2392 and 2452 of the Revised Statutes and other fire prevention statutes and rules and regulations promulgated by the Department of Public Safety of the State of Maine.

Following receipt of an application for a license to operate a day care center, a representative of the Department will evaluate the adequacy of care provided or planned for children and the physical plant to insure compliance with applicable rules, standards and regulations adopted by the Department of Health and Welfare.

224. License Renewal

Part II Minimum Requirements - Licensing.
Applications for a renewal of a license should be made 60 days prior to the date of expiration in order that necessary licensing procedures may be completed to assure the continuity of the license.

Renewal of a license will be based on the continued compliance with the applicable standards, rules and regulations adopted by the Department of Health and Welfare.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Part II Minimum Requirements - Licensing.
A representative of the Department will make periodic visits to the day care center for the purposes of supervision and consultation.

232. Denial, Suspension, Revocation of a License

Part III Refusal to Issue the License.
If the licensee fails at any time to comply with the licensing statute, regulations or rules, the Department of Health and Welfare shall file a statement or complaint with the Administrative Court Judge.

The Department of Health and Welfare may refuse to issue or reissue a license at any time for failure to comply with the licensing statute, regulations or rules pertaining thereto. In case the day care center cannot be licensed or relicensed, a letter will be written to the applicant explaining the reasons.

233. Remedies and Sanctions

233.1 Hearings

Part III Refusal to Issue the License.
A person aggrieved by the refusal of the Department to issue or reissue a license may file a statement or complaint with the Administrative Court Judge in accordance with the provisions of Title 5, M.R.S.A., Chapters 301 to 307.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Part II Minimum Requirements - Licensing.
Day care centers holding a license shall keep a daily register of all children admitted, in attendance and dismissed, and said register to be available for inspection by the Department of Health and Welfare.

A Adminstration.
Day care centers may be of two types: Those operated by individuals for profit and those operated by social agencies, religious groups, community groups or other as a non-profit community service.

If the day care center is operated by an individual or individuals for profit, there must be one individual fully responsible for policy making and administering of the program.

If the day care center is operated as a community service and financed by voluntary contributions or by tax funds, there must be submitted with the application the names of the members of the Board of Directors who shall:

Define the purpose and scope of the service.

Develop policies and provide for the implementation of them.

Be responsible for establishing and maintaining a sound financial structure.

Select a skilled and well-qualified director to administer the program.

Interpret the service to the community.

B Staff - Director.
The Director shall be responsible for the operation of the day care center at all times, except in the necessary absence of the Director a responsible staff member shall be delegated to be in charge.

312. Telephone

E Building and Equipment of Day Care Center - Furnishings.
A telephone must be easily accessible in the center.

313. Proof of Operator Financial Capabilities

A Administration - Financing.
There shall be sufficient funds, as evidenced by a budget, available at all times to assure continuous operation in accordance with the minimum standards established by the Department. A new day care center shall have sufficient assured funds to carry through at least three months of operation with only limited dependence on fees.

An annual budget shall be prepared and submitted in detail showing income according to sources and itemized expenditures, including salary, services, program supplies, food, fixed expenses, equipment, insurance, repairs and replacements. Day care centers operated with no public funds shall be exempt from the above financing requirements. Day care centers operated with no public funds shall be exempt from the financing requirements.

314. Insurance

A Administration - Insurance.

The day care center shall carry a minimum liability insurance of $100,000 per person, $300,000 per occurrence; a minimum of $5,000 property damage; appropriate automobile liability insurance, if transportation is provided.

A certificate of insurance must be submitted prior to the issuance of a license.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

C Minimum Standards Concerning Program - Child's Record.

An adequate social and progress record, together with identification of responsibility data, shall be kept on file by the day care center on each child in care.

Identification of responsibility data or information shall include:

Name, birthdate and address of the child.

Name, address and telephone number of parent(s).

Places of employment of parent(s), if employed.

The telephone number and address of employer(s).

A method of contacting the parent(s) at the place of employment.

The name, address and telephone number of a person other than the parent to contact in case the parent cannot be reached in an emergency.

Legal guardian(s).

Copy of any financial agreement with parent(s).

Daily attendance record.

Dates of admission and discharge.

Record of immunizations.

Name, address and telephone number of a physician to call in case of emergency.

Written authorization to obtain emergency and medical care.

Names of persons who may be permitted by the parent to remove the child from the center. The center must be notified by the parent when regular transportation or pick-up methods will vary.

A summary record of significant factors concerning the child's adjustment in the center, unusual events and occurrences.

342. Staff

B Staff - Other Staff Requirements.

A personnel record shall be kept for each staff member employed in the day care center. It must include the following information:

Name, address, birthdate, social security number and telephone number.

Medical statements.

Training, education, experience and other qualifications.

Any references and/or reports from other employers with any evaluation of ability, character and suitability for work with children.

There should be at least one evaluation of each staff member's performance by the Director.

Dates of employment, termination and reason for termination.

These personnel records shall be available for inspection by a representative of the Department.

343. Child Eligibility and Enrollment Requirements

C Minimum Standards Concerning Program - Admission and Intake.

No child under 2 1/2 years of age, as verified by a birth certificate, shall be cared for in a day care center.

Intake and admission policies shall be clearly defined, formulated in writing and forwarded to the applicant. These policies shall require determination that the service will meet the needs of the individual child and his parents.

This determination will be based on at least one interview with the parents during which a brief life history of the child prior to the time of his application to the center will be obtained. If there are fees, the policy shall include a statement of the services covered by these fees.

A plan shall be made with the parents for the child's introduction into the day care program in accordance with the age, maturity and previous experience of the child. Arrangements shall be made for the child and his parents to visit the center prior to his admission.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

B Staff.

The maximum number of children to be assigned to one adult, exclusive of service staff (clerical, cooking and maintenance), in centers caring for more than 15 children shall be:

2 1/2 - 3 years old - - 8 children to one adult

3 - 4 years old - - 10 children to one adult

4 - 5 years old and over - - 15 children to one adult

Separate before and after school programs will use the following ratio:

10 children to one adult

412. Methods of Computing Staff/Child Ratios

B Staff.

Children of staff members who attend the day care center, or who are in the number of children cared for on the premises, shall be counted in the appropriate age groups.

Children in attendance for only part of a day will be counted only while in the day care center in determining staff-child requirements.

When there is a combination of ages within a group, the number of required staff shall be determined on the basis of the age of the youngest child.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

B Staff - Other Staff Requirements.
There must be a medical form prior to employment in a day care center and annually thereafter from a duly licensed physician for each member of the staff certifying that the staff member is free from communicable and contagious diseases, including tuberculosis. This must include an annual tuberculosis skin test of a type acceptable to the Division of Disease Control, Bureau of Health. In the case of a positive skin test, the staff member is required to have appropriate follow-up as defined by the Division of Disease Control. A staff member must provide a written statement from a duly licensed physician when returning to work after absence due to a communicable or contagious illness.

No person shall be compelled to undergo a physical examination or test for tuberculosis if he objects thereto on the ground that it is contrary to his religious convictions, unless there is a probable cause to suspect that he manifests the symptoms of a communicable or contagious disease or he is infected with tuberculosis in a communicable stage.

513. Education

B Staff - Other Staff.
If the day care center provides a kindergarten program for 5-year olds, it must be staffed by a certified teacher, preferably with training in nursery or early childhood education.

The teacher or person having primary responsibility for a group of children must have completed high school or be working actively toward obtaining a high school equivalency certificate.

Assisting Teacher/Teacher Aides
Assisting teachers and/or teacher aides, if employed, must have a high school education, be working actively toward a high school equivalency certificate or be attending high school.

514. Experience

B Staff - Other Staff Requirements.
Each member of the day care center staff must be competent in his assigned tasks. He must be reliable, mentally and physically fit and emotionally well adjusted. He must be able to accept responsibility for group care of children.

All staff must be persons who:

have an interest in and capacity for enjoying children.

discern the feeling and needs of children and deal with them with sensitivity and understanding.

deal in a non-punitive and firm fashion with out-of-bounds behavior.

accept the expression of strong feelings - - love, rage, joy, sadness, jealousy or grief without being unduly upset.

are dependable, consistent, flexible and have good judgment in handling all emergency situations promptly and intelligently.

See also 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

B Staff - Director.
The Director or the person who has been delegated the responsibility of Director in the Director's absence shall be at least 21 years of age and be a high school graduate or its equivalent.

522. Health

B Staff - Other Staff Requirements.
The director's medical statement must be submitted prior to the issuance of a license.

523. Education

B Staff - Director.
The Director of a program serving any preschool children must have at least two years of college work, including courses in child development and the behavioral sciences and six months experience or a Department approved, supervised internship period with preschool children.

or

Graduation from an accredited high school or its equivalent and two years of regular paid employment working with children in a day care center or preschool facility and at least six college level credit hours in early childhood education may be substituted for the two years college work.

In lieu of the qualifications of the Director, said Director may employ a staff person who does meet the above qualifications who will be responsible for the planning and direction of the program in a day care center.

The Director of a program serving only school-aged children must have completed at least two years of college and six months experience in a related program for school-aged children. Graduation from an accredited high school or its equivalent and six months of regular paid employment working with children and at least six college level credit hours in child development, child psychology or recreative skills may be substituted for the two years college work.

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524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

B Staff - Other Staff.

The day care center must have a written agreement with a legally constituted health facility that a duly licensed physician will provide consultation and emergency treatment or such agreement may be made directly with a duly licensed physician.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

B Staff.

Each teacher, assisting teacher and/or teacher aide must participate in in-service training programs and/or workshops in the fields of child development and education, which may be sponsored by the Department of Health and Welfare or other agency or organization approved by the Department.

543. Support Staff

See 542. Child Caregiver Staff

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

C Minimum Standards Concerning Program - Daily Program.
Every child shall be considered as an individual and developmental level, capacities, special needs or problems shall determine what can be expected of him.

The day care center shall have time and materials for both quiet and active play and rest.

There shall be provision for the child to play in group activities with other children or to engage in solitary activities.

Provision shall be made for at least one hour of outdoor play each morning and each afternoon that the child spends in the day care center, except in very unfavorable weather. There must be supervision of outdoor play in accordance with the staff-child ratio. The staff members responsible for the supervision of outdoor play must be in the play area with the children.

A schedule of the planned daily program shall be written down and shall be available for inspection. The program shall follow the schedule with reasonable closeness but shall permit necessary flexibility and have continuity with due regard for individual differences among the children.

A daily attendance record must be kept in the center.

612. Program Equipment and Materials

C Minimum Standards Concerning Program - Daily Program.
Creative experiences must be provided with art, music, books, stories, science, blocks, and dramatic play, with the basic equipment to afford opportunities for these activities.

613. Nap Provision

C Mimimum Standards Concerning Program - Daily Program.
All preschool children must sleep or rest on individual cots or mats at some period during the day's program.

614. Discipline and Guidance

G Discipline.
The day care center shall use only constructive methods of discipline. Corporal punishment, shaming and embarrassment shall not be used as a means of discipline and control.

Punishment or threat of punishment shall not be associated with food, rest, isolation for illness or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

B Staff.
The day care center must have a written agreement with a legally constituted health facility that a duly licensed physician will provide consultation and emergency treatment or such agreement may be made directly with a duly licensed physician.

At least two staff members must be present in the day care center at all times in case of emergency or sudden illness.

712. Health Assessments

F Health Program In Day Care Service - Immunization and Pre-Admission Examination.

A physical examination may be required at the discretion of the operator.

713. Immunizations

F Health Program In Day Care Service - Immunization and Pre-Admission Examination.

A record of each child's immunizations shall be on file in the day care center. The record shall note whether the child has been satisfactorily immunized or is in the process of being immunized against measles, whooping cough, poliomyelitis, diphtheria and tetanus, unless there is a medical or legal reason why these immunizations must not be done. Records shall be updated as immunizations are done.

714. Sanitation

E Building and Equipment of Day Care Center.
Cots, mats, blankets and play equipment shall be kept clean.

Water supply and sewage disposal shall meet the standards of the Division of Health Engineering.

Each child must have his own towel and wash cloth, unless disposable paper products are utilized. Towels and wash cloths must be kept in sanitary condition and hung individually.

Drinking water must be available to the children. (Paper cups are recommended.)

715. Daily Illness Screening

F Health Program In Day Care Service - Control of Communicable Diseases.
Each child must be observed on arrival before he has joined his group or is left at the day care center for obvious signs of illness, e.g., running nose, rash, cough, etc.

Staff in a day care center must form the habit of automatic observation of all children throughout the day, and must isolate an apparently sick child from the other children until it is possible for him to be taken home.

716. Care of Sick Children

F Health Program In Day Care Service - Control of Communicable Diseases.
Children who are discharged due to illness shall not be re-admitted until they are well. A doctor's statement may be required at the discretion of the center operator.

717. Medication and Special Diet Provisions

F Health Program In Day Care Service - Daily Medical Care.
Children requiring medication during the day, variations in diet or special medical procedure shall receive these only on written order from a physician and a dated, written, request from parent or guardian.

Under no circumstances may a staff member act as a physician, as for example, giving aspirin or vitamins to a child.

All medications must be labeled most carefully with the child's name, stored in a locked container and returned to the parent or discarded when no longer needed.

718. Waiver of Health Requirements

F Health Program In Day Care Service - Immunization and Pre-Admission Examination.

No child shall be compelled to undergo a physical examination, immunizations or test for tuberculosis if objected thereto on the ground that it is contrary to religious convictions, unless there is a probable cause to suspect that he manifests the symptoms of a communicable or contagious disease or he is infected with tuberculosis in a communicable stage.

720. SAFETY

721. General Safety Requirements

E Building and Equipment of Day Care Center - Safety and Sanitation.
No lead paint shall be used on toys, furniture or any interior surfaces. Interior paint which is chipped or cracked shall be repaired or covered.

All cleaning supplies and any substances carrying a label, "Warning keep out of reach of children," (or any such warning of danger) shall be stored out of reach of children even in rooms in the center which are not used by children.

Furnishings must be appropriate to the age, size and activities of the children in the group. No cribs or high chairs shall be used except with prior approval of the Department when the center serves children with special needs.

These furnishings shall be of non-poisonous and non-combustible material.

Each child shall have a place to hang his outside clothing and store his boots.

722. Fire Safety Requirements

E Building and Equipment of Day Care Center - Safety and Sanitation.
Fire drills shall be conducted at least once a month for all children and adults in the center. Fire drills shall be unannounced to the child care staff and shall occur at varying times of the morning and afternoon. A record of all fire drills shall be kept and this record shall be available for inspection by the Department of Health and Welfare, the Fire Marshal's Office and the local fire inspector.

There must be written fire drill procedures posted in each room utilized by children.

723. Transportation

D Standards Concerning Transportation.
If transportation is provided by the center, it shall be provided in accord with the Motor Vehicle Laws, and in accord with the following regulations:

> The center shall assume responsibility for the child from the time he is picked up until he is delivered to his parents or to a responsible person delegated by his parents.
>
> No child shall be permitted to remain in any vehicle while it is unattended or to stand in the vehicle while it is transporting.
>
> There shall be an adult in addition to the driver in any vehicle transporting six or more children to and from the center.
>
> Vehicles utilized for transportation of children shall be maintained in safe operating condition, be clean, comfortable and free from obstruction on the floor and seats of the vehicle.
>
> No more than three persons, including the driver, shall be permitted to occupy the front seat of the vehicle.

Any vehicle used for the transportation of children shall be provided with safe door locks. The doors of such vehicles shall be opened and closed by an adult and all doors must be able to be opened on the inside.

No child shall ride for more than one hour in order to reach the center or return home.

The driver of a vehicle transporting children shall be at least 18 years old and shall have a valid Maine license.

If parents utilize public transportation for the delivery or pick-up of a child, the center must advise the parents that the center cannot assume responsibility for the child in transit.

724. Safety Requirements for Equipment
See 721. General Safety Requirements

725. Water Activities (Including Swimming)
Not specified

726. Emergency Procedures

F Health Program In Day Care Service.
A physician must be consulted whenever frank exposure to disease has occurred in a day care center about instructions to parents of exposed children and the propriety of control measures. (Such as Gamma Globulin for measles.)

During epidemics the local health department shall be consulted about closing the day care center temporarily to reduce transmission of the disease.

There must be present at all times a staff member in each day care center who has basic knowledge of current first-aid principles, by training or having completed a course equivalent to the American Red Cross training course, including control of bleeding and artificial respiration.

Parents or other designated persons must always be notified at once of the occurrence of any major accident or emergency as outlined in child's record.

727. First Aid Supplies

F Health Program In Day Care Service - Accidents and Sudden Illness.
There must be immediately available a manual of first-aid measures and first-aid supplies.

Germicidal substances should be avoided and used only on medical advice.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

C Minimum Standards Concerning Program - Daily Program.
Meals in a full day schedule must include morning and afternoon snacks and a well-balanced lunch. Snacks must be simple and nourishing, such as milk, fruit or fruit juice and crackers. Lunch shall consist of servings of vegetables or fruit, or both, meat, poultry, fish, cheese or eggs or protein substitute, bread, butter or margarine and milk as a beverage. Menus, including snacks, must be posted.

In a full-day program in the day care center, at least one-third of the daily nutritional requirements must be provided. If breakfast is served, two-thirds of the daily nutritional requirement must be provided.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

E Building and Equipment of Day Care Center - Kitchen Facilities.
Kitchen facilities must be separate from the playroom, yet located so that food can be transported readily, kept hot and easily served. They must be well lighted, clean and orderly.

Each unit must comply with applicable rules and regulations of the Division of Health Engineering pertaining to eating places.

In a day care center where kitchen facilities are not available, or when food is transported to an area other than a center, all perishable food and other potentially hazardous prepared food shall be maintained at safe temperatures (40° or below or 140° or above). Such food shall come from a food preparation source meeting Division of Health Engineering standards.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

C Minimum Standards Concerning Program - Responsibility of the Center to Parent.

Parent education must be a planned part of the day care program to inform parents about the objectives of the program and the daily experiences which the child has and to promote understanding of the developmental needs of the children, the parent-child relationship and common childhood problems.

When day care services are terminated for the child, all staff, insofar as possible, must help prepare the child carefully for leaving the day care center.

An opportunity must be afforded the parent to visit the day care center on an average day to see the program.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

F Health Program In Day Care Service - Immunization and Pre-Admission Examination.

The parents of physically, emotionally and/or mentally handicapped children shall furnish the center with a medical form signed by a duly licensed physician certifying that the child has had a recent physical examination, has been or is in the process of being immunized and noting any handicaps and suggestions which the physician may feel to be helpful to the day care center operator. Such medical forms must be submitted prior to the child's admittance to the day care center.

1230. STAFFING

C Minimum Standards Concerning Program - Admission and Intake.
Physically, emotionally or mentally handicapped children requiring special care or who need extra individual attention shall not be admitted to a day care center unless its staff includes persons with sufficient training and/or experience and the facility is approved by Department licensing personnel for such care.

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

C Minimum Standards Concerning Program - After School Program.
For after-school programs there shall be facilities available for group and solitary activities.

Any program for older children (school-aged) shall provide separate appropriate facilities and programs for them unless it can be demonstrated that combining the programs has or will have a beneficial effect.

The program shall give freedom appropriate to the age of the child and provide opportunities for self-reliance and social responsibility. Arrangements shall be made for all children to participate in indoor and playground activities that are stimulating and challenging to them.

The school-age program shall not be a structured academic program.

The school-age children shall be permitted to engage in activities outside the center which enhance their normal community relationships, but only in accordance with written notification and consent of the parents and the ability of the day care facility to offer proper controls.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1330. STAFFING

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

E Building and Equipment of Day Care Center.
Floor areas of rooms used by children, exclusive of hallways, lockers, toilets, isolation rooms, kitchens and offices, must contain a minimum net area of thirty-five square feet of usable space per child. Facilities holding a license prior to October 7, 1974, may be exempted from the space requirement, but the number of children for which they are licensed cannot be increased unless the requirement for 35 square feet per child is met.

Resting facilities must be provided for each preschool child receiving care at the facility. A separate mat or cot and individual blankets must be provided for each child except in the case of children receiving before and/or after school care.

When mats or cots are in use there shall not be less than two feet of space on all sides except those adjacent to walls. If not so spaced, each cot or mat shall be provided with a screen or partition running the full length of the cot or mat.

A special room must be set aside for children requiring isolation away from the group in case of emergency illness, or when the child needs to be by himself.

Outdoor play areas must have a minimum of 75 square feet per child and be fenced in high enough to keep children in the area. An exemption of the fencing requirement may be made by the Department where the play yard is well protected from traffic and other hazards by location and natural barriers.

All parts of the playground must be under constant view of the supervising teacher.

There shall be means of egress from the playground other than through a building.

There must be an outdoor play area close enough to the center to eliminate the need for busing or crossing heavily traveled streets. All facilities holding a license prior to October 7, 1974, may be exempted from the above requirement for outdoor play area at the discretion of the Department, providing such facility demonstrates it provides adequate outdoor play for the children.

For school-age children there shall be an outdoor play area which is appropriate for the developmental level of the children but which does not disregard consideration of safety factors.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

E Building and Equipment of Day Care Center.
Each playroom must have outside windows, the area of which is at least 10% of the floor area of the room.

Every room used for children shall have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of adequate size to be used in case of emergency, unless it has a door leading directly to the outside of the building.

A temperature of at least 68 degrees within two feet of the floor shall be maintained for children's playrooms.

A central heating system shall be used.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

E Building and Equipment of Day Care Center - Water Supply and Toilet Facilities
Washing and toilet facilities with both hot and cold water shall be provided.

Water supply and sewage disposal shall meet the standards of the Division of Health Engineering.

For water used by children, there shall be some kind of automatic control to prevent the temperature from rising above 110 degrees.

One toilet and wash basin are required for every twenty children.

When basins and toilets are not a child's size, a low platform or step must be provided. Wash basins shall be securely fastened and supported to prevent accidents.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

E Building and Equipment of Day Care Center - Safety and Sanitation.
The building must be sound in structure and safe for children. It shall comply with all state and local building, fire, sanitation and plumbing laws, ordinances and regulations.

1530. BUILDING

E Building and Equipment of Day Care Center - Safety and Sanitation.
An annual inspection and certification by the Department of Public Safety of the State of Maine shall be conditional for licensing. The building exit code and other regulations as set by the Department of Public Safety shall govern the center.

1540. HEALTH

See 1550. SANITATION

1550. SANITATION

E Building and Equipment of Day Care Center - Safety and Sanitation.
A satisfactory sanitary inspection by the Division of Health Engineering in accordance with the rules and regulations promulgated by the Division of Health Engineering shall be a prerequisite for initial licensing and shall be required annually or more frequently if deemed necessary by the Department.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Maryland Department of Health and Mental Hygiene, Code of Maryland Regulations, 10.05.01, Group Day Care Centers, December, 1971.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§.02 General Definitions.
"Group day-care center" means an agency or institution offering or supplying group day care to five or more children who do not have the same parentage, for a part or all of a day and on a regular schedule more than once a week. Hereinafter, "group day-care center" is referred to as "center".

112. Exclusions and Exemptions

§.01 Scope.
These regulations governing group day-care centers shall apply to day-care centers under private non-profit, proprietary, public, and religious auspices. The regulations may not apply to family day-care homes, summer day-camps, State Department of Education approved non-public schools and kindergartens, religious schools exempt from approval under Article 77, §12, Annotated Code of Maryland, and facilities operated by public school systems and by county or city departments of recreation.

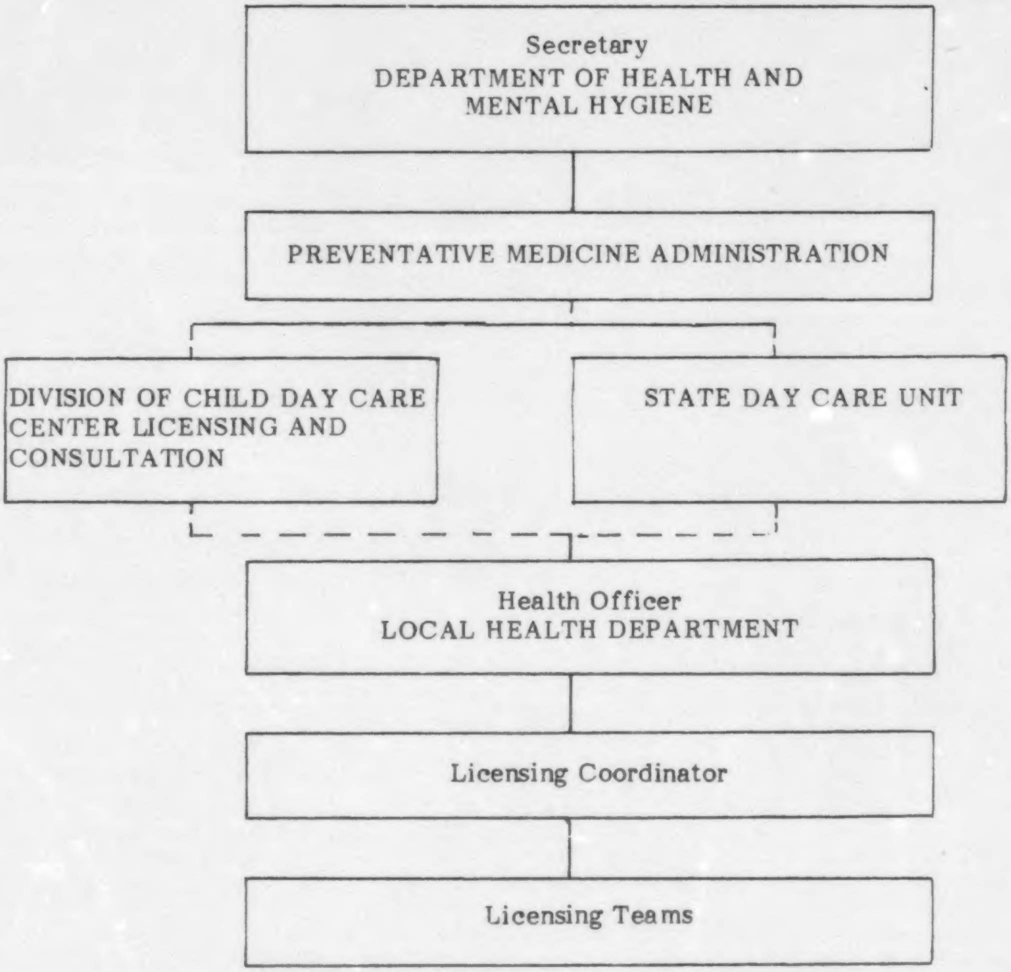
These regulations affect all group day care centers, except that medical examinations, staffing, grouping, program, and equipment are differentiated for children 2 to 6 years old, and for school-age children 6 to 16 years old.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Secretary
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
PREVENTATIVE MEDICINE ADMINISTRATION
DIVISION OF CHILD DAY CARE CENTER LICENSING AND CONSULTATION
STATE DAY CARE UNIT
Health Officer
LOCAL HEALTH DEPARTMENT
Licensing Coordinator
Licensing Teams

In Maryland, the State Department of Health and Mental Hygiene is the regulatory agency which administers the group day care licensing program. Local Departments of Health issue and revoke group day care center licenses under State regulations and some local ordinances which also govern local licensing programs.

122. Responsible Official

All inquiries should be addressed to:

Chief of the Division of Child Day
Care Center Licensing and Consultation
Preventive Medicine Administration
Department of Health and Mental Hygiene
201 West Preston Street
Baltimore, Maryland 21201
(301) 383-4009

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

MD. HEALTH CODE ANN., Art. 43, §713 Rules and Regulations of Board.
The Board shall adopt and promulgate regulations for the licensing and operation of group day-care centers, to carry out the intent and requirements of this subtitle, to assure conditions of safety and sanitation in the centers, to make satisfactory provision for the care, protection, and supervision of children in centers, and to promote the sound growth and development of children in centers. From time to time the Board may modify, amend, or repeal these regulations, as it deems in the public interest.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

MD. HEALTH CODE ANN., Art. 43, §709 License Required.
No person shall establish, conduct, maintain, or operate a group day-care center in this State without holding a license under this subtitle.

§.04 Application for License.
A person desiring to qualify as a licensee of a center shall obtain an application from the local health officer. The application shall be on a standardized form and shall include all information required by the local health officer.

The applicant shall return the application, duly notarized, to the local health officer. Floor plans and specifications for a new center, or for alterations of an existing center, shall accompany the application.

Before the application is investigated, approval, when applicable, from the appropriate authorities showing compliance of the premises with zoning, building, and fire regulations and codes as required shall be submitted.

§.06 Issuance of License.
When the local health officer is satisfied that the provisions of these regulations have been met, a license to operate a center shall be issued.

222. Fee Charged

Not specified

223. Areas of Investigation

§.05 Investigation of Application.
The local health officer or his duly authorized representative shall interview the prospective licensee and shall inspect the proposed facility.

224. License Renewal

§.07 Conditions and Limitations of License.

A license automatically expires 1 year after issuance. The renewal procedure for a license shall include a reinspection and re-evaluation of the center by the local health officer and appropriate authorities, and shall be subject to current regulations except as hereinafter provided. The license shall be kept posted in a conspicuous place in the center. The license may not be transferred or assigned from place to place or person to person. The local health officer shall be notified of any change of ownership, and the new owner shall apply to the local health officer for a new license. A separate license is required for centers conducted in separate locations, even though under the same management.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

MD. HEALTH CODE ANN., Art. 43, §712 Revocation or Suspension of License; Injunction.

A license issued under this subtitle may be revoked or suspended by the Commissioner of the State Department of Health, who may delegate this power to the local health officer. The revocation or suspension may be for such period as determined by the Commissioner or the local health officer, and shall be based upon a finding that the licensee has violated some provision of this subtitle or of the regulations adopted and promulgated thereunder, including any act or fact which would have been cause for refusing the original or renewal issue of the license. Prior to the revocation or suspension the licensee shall be given an opportunity for a public hearing before the State Commissioner of Health or the local health officer, as the case may be, with not less than ten days' notice of the hearing and an opportunity to be represented by counsel.

233. Remedies and Sanctions

233.1 Hearings

MD. HEALTH CODE ANN., Art. 43, §715 Appeals.

A person aggrieved by a refusal to issue a license under this subtitle, by a revocation or suspension of a license, or by any other action of a local health officer or the Commissioner of the State Department of Health under this subtitle may appeal therefrom to the Board and thereafter may seek judicial review, all as provided in the Administrative Procedure Act in Article 41 of this Code.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

MD. HEALTH CODE ANN., Art. 43, §712 Revocation or Suspension of License; Injunction.

Under circumstances which in the judgment of the local health officer seriously threaten the health, welfare, or security of a child or children in a group day-care center or the health or welfare of the community, the State Commissioner of Health or the local health officer, as the case may be, may petition in equity in the circuit court of the county in which the center is located, or in an equity court of the Supreme Bench of Baltimore City, for an injunction to forbid the further operation of the center during the period prior to the public hearing. If in the judgment of the court the continued operation of the center may seriously injure the health, welfare, or security of a child or children in the center or the health or welfare of the community, it may enjoin the further operation of the center until the hearing has been held and a decision is reached on the proposed revocation or suspension of the license.

§716 Penalty.

Any person who maintains and operates a group day-care center without a license, or who violates any provision of this subtitle or of a regulation adopted and promulgated thereunder is guilty of a misdemeanor. Upon conviction thereof he shall be liable to a fine of not more than five hundred dollars ($500.) for the first offense and not more than one thousand dollars ($1,000.) for any subsequent offense; and each day that a group day-care center operates illegally after a first conviction shall be considered as a separate offense.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§.09 Assigned Capacity of Center.

The number of children cared for at any one time in any center shall be determined according to criteria established in these regulations affecting space, staff, equipment, and age of children enrolled.

§.50 Staff in Centers Serving Children 2 to 6 Years Old.

Qualifications of Personnel. The licensee of each center shall provide for staff with qualifications as stated in these regulations to provide adequate service and supervision at all times. Information on all new staff members shall be reported on or before employment to the local health department.

Director. The licensee shall make provision for a director to be present in each center for the purpose of planning and supervising the children's program. This director shall have responsibility for one center and shall be available to staff, parents, and children.

§.56 Other Personnel.

It shall be the responsibility of the licensee or the director to provide personnel for all duties not involving direct supervision of children in order to maintain the correct staff-child ratio at all times. This means personnel for food preparation and service, housekeeping, transportation, clerical, and other duties.

§.57 Substitutes.

It shall be the responsibility of the licensee or director to employ substitutes when regular staff members are absent. Every effort shall be made to provide substitutes who meet the qualifications required of the absent staff member particularly in cases where a substitute is needed for longer than a 2-week period.

§.60 Staffing Pattern.

When a center is in operation on a full day basis, a staffing pattern shall be submitted to the local health officer for the purpose of determining appropriate staff in relation to the daily schedule and the number and age of children enrolled.

§.65 Records.

The following records shall be maintained and kept available for inspection:

Enrollment. A record of all children currently enrolled in the center with the names, current addresses, and telephone numbers of the parents or guardians of the children shall be maintained in the center.

Daily Attendance. A daily record of children in attendance shall be kept. Daily attendance records shall be kept on file for the periods between inspection for licensure.

Menus. A projected weekly menu shall be kept on file. Past weekly menus "as served" shall be kept for a 4-week period.

Staffing Pattern. A staffing pattern shall be kept on file indicating staff-child ratio in relation to the daily schedule and the number and ages of children enrolled.

Fire evacuation plan.

S.67 Medical Examination for School-Age Children.
A school age child may not be admitted to a center until the parent or guardian has submitted the following information on a standardized form supplied or approved by the Department of Health and Mental Hygiene:

Emergency information.

A source of emergency health services acceptable to parents with written parental agreement for its use.

312. Telephone

S.14 Communication.
There shall be at least one free, accessible telephone (not a pay station or locked telephone) in the building, and additional telephones or extensions that may be required, to summon help promptly in case of fire or other emergencies.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

5.65 Records.

The following records shall be maintained and kept available for inspection:

- Child's Personal Record. Each child's personal record shall be kept on file. This includes:
  - Medical certificate;
  - Record of immunization;
  - Record of illness and accidents;
  - Record of medications dispensed to a child during care and modified diet needs;
  - Emergency care plan including source of emergency health services and written parental agreement for its use.

342. Staff

§.65 Records.

The following records shall be maintained and kept available for inspection:

> Staff. A list of current staff members, their age, education, experience, and function, plus a pre-employment medical record shall be kept on file in the center. A copy of this list shall be provided to the local health officer. Changes in staff shall be reported in writing immediately as they occur to the local health officer and changes kept current.

343. Child Eligibility and Enrollment Requirements

§.12 Admission Policies.

Minimum Age. A child under 24 months old may not be admitted to a center without prior approval of the local health officer. The licensee shall be responsible for applying for prior approval.

344. Child Abuse Reporting

§.47 Child Abuse.

All staff are required to report cases and suspected cases of child abuse to the local law enforcement agency or the department of social services in the jurisdiction of licensure according to Article 27, §35A, Annotated Code of Maryland.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§.59 Group Size and Staffing.
There shall be a senior staff member for each single group of children, with aides as needed, in order that the group size and total ratio of children to staff conforms to the following:

2-year Old Children. A group may not exceed 12 children. There shall be a staff-child ratio of one staff member to every six children.

3- and 4-year Old Children. A group may not exceed 20 children. There shall be a staff-child ratio of one staff member to every ten children.

5-year Old Children. A group may not exceed 26 children. There shall be a staff-child ratio of one staff member to every 13 children.

Children of Mixed Ages.

Group Composition:

- A group may not exceed 20 children;
- A mixed age group of 13 to 20 children may not have more than six 2-year old children;
- Any number of 2-year old children may be in a mixed age group of up to 12 children;

Staff-Child Ratio for Mixed Age Groups of 3- to 6-Year Old Children. There shall be a staff-child ratio of one staff member to every ten children.

Staff-Child Ratio for Mixed Age Groups Which Include 2-Year Old Children:

If the total group is up to six children, one staff member shall be required;

If the total group is seven to ten children, and includes one to three 2-year old children, one staff member shall be required;

If the total group is seven to ten children, and includes four or more 2-year old children, two staff members shall be required;

If the total group is 11 to 12 children, two staff members shall be required;

If the total group is 13 to 20 children, and includes one to three 2-year old children, two staff members shall be required;

If the total group is 13 to 20 children, and includes four to six 2-year old children, three staff members shall be required.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

S.54 Senior Staff Members.
Senior staff members in charge of single groups, working under the supervision of a director, shall be at least 21 years old.

S.55 Staff Aides.
Staff aides shall be at least 16 years old and shall work directly under the supervision of a senior staff member. This person may not assume responsibility for a group of children, except on a temporary basis for activities specified by the senior staff member or director, or both. Participation in training opportunities shall be required.

512. Health

S.38 Health Program Affecting Staff.
Pre-employment Medical Examination. Each staff member shall have a pre-employment medical examination including a tuberculin skin test and, if positive or otherwise indicated, a chest X-ray, and furnish certification that he is free of tuberculosis in a communicable stage. The report of the examination shall include the physician's statement that the individual is physically able to perform the duties for which he is employed.

Tuberculosis Examination. Each adult in a center who comes in contact with the children shall furnish certification, annually, unless waived by the Secretary or designee, that he is free of tuberculosis in a communicable stage. This certification shall be based on results of specific tests. The types of tests and the intervals shall be based on results of specific tests. The types of tests and the intervals between these tests shall be prescribed by the local health officer, and shall conform to standards of the Department of Health and Mental Hygiene. The report on each examination shall be submitted promptly to the local health officer and returned to the person in charge of the day-care center.

Health Information. Each director, staff member, volunteer, substitute, participating parent, and member of the household who is in contact with the children enrolled in the center, shall upon request furnish information, permit examination, or X-ray, and submit laboratory specimens as the local health officer may require for the purpose of determining freedom from disease or conditions hazardous to the children.

Communicable Disease. Personnel in centers with evidence of communicable disease in a communicable stage may not be permitted to work at the center during the period of communicability.

513. Education

S.54 Senior Staff Members.

Senior Staff members in charge of single groups, working under the supervision of a director, shall meet all of the following requirements:

> Have graduated from high school or have obtained an approved certificate of high school equivalence, or shall have successfully completed courses for credit in an accredited institution of higher learning;
>
> They shall have completed at least 64 classroom hours in early childhood curriculum and child development beyond high school which are specifically directed to the needs of children, 2 to 6 years old; and
>
> As a final requirement, they shall either indicate continued training or hold a valid Child Development Associate Credential from the Child Development Associate Consortium.

514. Experience

§.54 Senior Staff Members.

Senior Staff members in charge of single groups, working under the supervision of a director, shall have had 1 year of experience under supervision working with a group of children in a licensed early childhood program or have successfully completed 1 year of study in an accredited institution of higher learning.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

§.51 Centers for 5 to 20 Children.

Directors in centers shall be at least 21 years old.

522. Health

See 512. Health

523. Education

§.52 Centers for 21 to 40 Children.

Directors in centers licensed for 21 to 40 children shall meet all of the following requirements:

> They shall have achieved a minimum of 2 years of college credit from an accredited college or university;
>
> They shall have completed at least 64 classroom hours in early childhood curriculum and child development specifically directed to the needs of children, 2 to 6 years old;
>
> They shall either indicate continued training or hold a valid Child Development Associate Credential from the Child Development Associate Consortium.

§.53 Centers for More than 40 Children.

Directors in centers licensed for more than 40 children shall meet all of the following requirements:

Be a graduate of an accredited 4 year college or university;

They shall have completed at least 64 classroom hours in early childhood curriculum and child development specifically directed to the needs of children, 2 to 6 years old;

They shall either indicate continued training or hold a valid Child Development Associate Credential from the Child Development Associate Consortium.

524. Experience

§.51 Centers for 5 to 20 Children.

Directors in centers licensed for 5 to 20 children shall have had 1 year of experience under supervision working with a group of children in a licensed early childhood program.

§.52 Centers for 21 to 40 Children.

Directors in centers licensed for 21 to 40 children shall have had 2 years of experience under supervision working with a group of children in a licensed early childhood program.

§.53 Centers for More Than 40 Children.

Directors in centers licensed for more than 40 children shall have had 2 years of experience under supervision working with a group of children in a licensed early childhood program and shall have demonstrated ability to work with parents and other adults in the community.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§.61 Program in Centers Serving Children 2 to 6 Years Old.
There shall be a plan for daily activities appropriate to the ages and needs of the children enrolled in the center. A program shall include self-selected and planned activities which foster sound social, intellectual, emotional, and physical growth.

The daily activities shall provide alternate active and quiet periods.

Children shall be provided with opportunities for individual and small group activities.

A variety of activities shall be provided through experiences with language, music, art, science, dramatic play, block play, large and small muscle equipment and materials. There shall be time and opportunities provided for these activities.

Outdoor Play. Morning and afternoon periods of outdoor play shall be provided daily for all children, except in extremely inclement weather.

Clothing. Sufficient safe and comfortable clothing shall be required for each child for the varied activities of the center, both outdoors and indoors.

Snacktime and mealtime shall be planned to provide learning experiences, promote social development, and foster positive attitudes toward food and eating.

612. Program Equipment and Materials

§.63 Play Equipment.

Basic play equipment as follows shall be provided and shall be on open shelves easily accessible for choice by children:

- Materials for dramatic play, to provide opportunities for activities in the areas of housekeeping, transportation, and community roles;

- Materials for manipulation, creative play, and experimentation, to provide opportunities with:

    - Art materials such as paint, clay, chalk, crayons, large sheets of newsprint, construction paper, scissors, paste,

    - Music and rhythm instruments such as drums, bells, tambourines,

    - Science and nature materials such as terrarium, seed bed, thermometer, measuring instruments, magnet, magnifying glass,

    - Natural materials such as sand, water, wood;

- Unit blocks of regulation size plus block building accessories such as animals, human figures, transportation vehicles;

- A variety of appropriate books;

- Games, small manipulative and construction materials, and puzzles in varying degress of complexity;

Equipment, indoors and outdoors, for vigorous play and large muscle development to include:

Climbing apparatus such as jungle gym, sturdy ladders,

Large building blocks,

Balancing apparatus such as saw horses, long and short cleated boards,

Wheel toys such as wagons, tricycles,

Digging area with accessories such as shovels, sifters, trucks, large spoons.

613. Nap Provision

§.48 Rest Periods.
Provisions shall be made for periods of rest appropriate to the age and activity of each child.

Individual cots and bedding shall be provided for each child under 6 when time spent at the center exceeds 4 hours.

Cots provided for children's naps shall be placed not less than 3 feet apart if located head to head, or not less than 1 1/2 feet apart if the head and foot of the cots are alternated. Double decker beds may not be used.

614. Discipline and Guidance

§.46 Injurious Treatment.
A child may not be subjected to treatment injurious to his physical or emotional health by a staff member.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

§.26 Insects and Rodents.

All buildings used for day care shall be maintained free of insects and rodents. Approved control measures shall be maintained to prevent rodent and insect infestation.

§.35 Personal Health and Hygiene.

Any person engaged in food service activities shall meet the requirements of the Health Program Affecting Staff, Regulation .38.

Any person engaged in food service activities shall practice good hygiene in personal habits, in handling food, beverage, utensils, and equipment.

§.41 Physician Services.

Every licensee shall select and make an arrangement with a licensed physician, preferably one experienced in the needs and care of young children, to serve as a consultant in matters of medical care. This arrangement may be made with the local health department. The name, address, and telephone number of the consultant physician shall be posted near each telephone.

Immediately following the appointment of a physician, the operator of the center shall file with the local health officer the name and address of this physician.

712. Health Assessments

§.39 Health Program Affecting Children.

Medical Examination. No child under 6 years old shall be admitted without a written report of medical examination completed within 3 months before admission to a center unless a report has been submitted on a previous admission within 1 year. The local health officer may require that the report include certification that each child is free of tuberculosis in a communicable form. This certification shall conform to standards of the Department of Health and Mental Hygiene. The report shall be made on a standardized form supplied or approved by the Department of Health and Mental Hygiene.

713. Immunizations

5.40 Immunizations Required Before Admission to a Center.
Before a child is admitted to a center, evidence shall be furnished of primary immunizations against diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), and German Measles (rubella), in a manner approved by the local health officer and any other immunizations deemed necessary by the Secretary of the Department of Health and Mental Hygiene and in conformance with COMAR 10.06.04 Required Immunizations Before Entry into a Maryland School. The immunization will be in accordance with the current schedule of immunization recommended by the Maryland Steering Committee on Immunization Practices of the Medical and Chirurgical Faculty of Maryland. Exception may be made for a child whose parent or guardian furnishes proof that his child has had a minimum of one dose of DTP or Td (adult) tetanus, diphtheria, poliomyelitis, measles, and rubella vaccine, and continues to furnish written evidence toward the completion of the primary immunization series according to the current recommended schedule of immunization.

Vaccine Provision. If, for any reason, a parent or guardian is not able to obtain the service of a private physician, he may take his child to the local health department where immunizations will be provided.

714. Sanitation

§.21 Sanitary Facilities.

Drinking Water. Drinking water shall be easily accessible to the children and shall be provided by an angle-jet drinking fountain with mouthguard, by a running water supply with individual single service drinking cups, or other approved methods and sources. One drinking water facility shall be available for each 40 children or less. The facility may not be located in a toilet room.

Supplies. Individual paper towels, a trash receptacle, soap, and toilet paper shall be provided at all times, and shall be placed within the reach of children. Drinking cups, towels, face cloths, brushes, or combs may not be used in common.

General Cleaning. The entire center including floors, walls, ceilings, and all furnishings and equipment shall be kept clean. General cleaning shall be conducted regularly, including daily sweeping, dusting, and wet mopping throughout the center. Cleaning may not be conducted while rooms are occupied by the children, with the exception of clean-up activities which are part of the daily program or in emergencies.

§.22 Sanitation.

Sewage Disposal. Sewage disposal shall comply with regulations promulgated by the Secretary of Health and Mental Hygiene.

Water Supply. The water supply system shall comply with regulations promulgated by the Secretary of Health and Mental Hygiene. The water shall be safe and sanitary.

Plumbing. All plumbing and plumbing fixtures shall conform to all applicable State and local codes.

Garbage and Refuse. Garbage and refuse shall be stored and disposed of in an approved manner.

715. Daily Illness Screening

§.39 Health Program Affecting Children.

Daily Health Observation. The staff shall be responsible for observing each child daily for signs and symptoms of illness.

See also 712. Health Assessments

716. Care of Sick Children

§.39 Health Program Affecting Children.

Isolation. Temporary isolation in a suitably equipped separate area, within sight and hearing of an adult, shall be provided for a child showing signs or symptoms of illness. Parents, guardians, or other designated persons shall be contacted immediately.

Exclusion for Communicable Disease. A child having a diagnosed communicable disease or signs and symptoms of a communicable disease may not remain in or return to a center until the child is well, and the Department of Health and Mental Hygiene Recommendations for Control and Prevention of Some Communicable Diseases have been met.

Readmission after Illness. Absence from the center due to illness shall require a parent's written statement or a physician's certificate of freedom from illness before the child is readmitted to the center.

717. Medication and Special Diet Provisions

§.37 Nutrition and Food Service.

Meals to fulfill the needs of modified diets required for children with medical conditions may be provided by the center or brought from home when a written diet-prescription, signed by a physician, and a copy of the modified diet are included in the child's health record. The child shall be included in all food-related learning and social activities.

§.45 Medication.

Medication may be administered to children in a center only upon the written order of a licensed physician. A physician's Medication Order Form (DHMH #560B) supplied by the Department of Health and Mental Hygiene shall be completed for each medication prescribed.

There shall be no stock or patent medication of any kind. All medications shall be properly labeled and shall be stored in locked cabinets.

A record of medication dispensed to a child during care shall be recorded on the Child's Personal Record (DHMH #560).

718. Waiver of Health Requirements

§.40 Immunizations Required Before Admission to a Center.

Medical Contraindication. Immunization requirements may not apply to any child who presents a written statement from a licensed physician or a local health officer indicating that immunization against any or all of the above-mentioned diseases is considered medically contraindicated, detrimental to, or not in the best interest of, the child's health. The statement shall indicate whether the contraindication is permanent or temporary. If temporary, the statement shall provide assurance that the child will receive the immunizations and furnish evidence of their completion.

Religious Conflict. Any parent or guardian who presents a written statement of objection to immunizations upon the grounds that they conflict with the tenets or practices of a recognized church or religious denomination of which he is a member, may not be required to present a physician's certificate of immunization. This exception may not apply in case of an emergency or epidemic of disease which is declared by the Secretary of Health and Mental Hygiene.

720. SAFETY

721. General Safety Requirements

§.15 Building.

A building to be used for a center shall be of sound construction, and shall be maintained in good repair.

All interior paint and exterior paint that is accessible to children shall have a lead content of not more than 0.5 percent lead by weight in the dried paint film.

§.19 Safety.

Stairways and hallways shall be kept free of obstructions and shall be well lighted.

Petroleum and flammable products shall be stored in an approved manner.

Drugs, cleaning agents, and poisonous products shall be stored apart from food and out of reach of children and shall only be used in a manner as to insure safety of children.

Only approved pesticides may be used. Pesticides shall be stored out of reach of children, apart from food, and apart from cleaning agents.

722. Fire Safety Requirements

§.17 Fire Control.

Provisions shall be made for required fire control equipment and fire escapes in case of fire or other emergency.

The building shall conform to State and local fire codes. A plan for evacuation approved by the State or local fire marshal shall be maintained, and posted in each area of the center designated by a fire marshal.

Orientation of children and staff in case of fire or other emergency shall be conducted.

723. Transportation

§.66 Transportation.
The licensee of a center providing direct transportation services shall inform the State Motor Vehicle Administration of that fact.

724. Safety Requirements for Equipment

§.62 Equipment for Children 2 to 6 Years Old.
All equipment shall be safely constructed, easy to clean, and if painted, shall have a lead content of no more than 0.5 percent lead by weight in the dried paint film.

725. Water Activities (Including Swimming)

§.20 Swimming and Wading Safety.
When the depth of water in pools, lakes or any body of water available to children for swimming exceeds 1 1/2 feet, the licensee shall be responsible for the presence of a lifeguard holding an American Red Cross Advanced Life Safety certificate or a YMCA Senior Life Saver. During the swimming activity, this qualified lifeguard shall be at water side and may not be included in the required staff child ratio.

Additional supervision in excess of the required staff child ratio will be required when need is determined as a result of the ages and height of the children, the nature of the body of water, the children's ability to swim and their knowledge of water safety.

When the water is over a child's chest and the child cannot swim, a 1 to 1 staff child ratio shall be maintained in the water.

When a wading area 1 1/2 feet or less in depth is available to children, there shall be continuous supervision by staff. The water shall be clean or be kept clean by approved sanitizing methods or by emptying and cleaning as necessary.

§.22 Sanitation.

Swimming or Bathing Facilities. Any swimming or bathing facilities used by any center shall conform to sanitary standards prescribed by the Department of Health and Mental Hygiene in COMAR 10.17.04 Public Swimming Pools and Bathing Beaches.

726. Emergency Procedures

§.42 Reporting.

The licensee of a center having under his care a child who appears to be affected with a reportable disease or a child who has been exposed or presumably exposed to such a disease shall immediately report the individual to the local health department according to the regulations of the Department of Health and Mental Hygiene relating to communicable diseases.

§.43 First Aid.

Training in basic first-aid emergency procedures approved by the American Red Cross shall be required of directors or designated staff members at intervals of every 3 years. The center shall have in attendance at all times an individual with this training.

First aid by staff shall be limited to that necessary to preserve life or prevent further immediate damage, and shall be administered within the boundaries of first-aid training.

§.44 Emergency Plan.

The licensee shall be responsible for instructing the center staff in emergency procedure. For each child, the center shall maintain the following readily accessible written information pertinent to an emergency plan:

Where the parent can be reached;
Where a responsible adult designated by the parents can be reached;
The child's physican and telephone number;
A source of emergency health services acceptable to parents with written parental agreement for its use.

727. First Aid Supplies

§.43 First Aid.

Every center shall have first-aid supplies as designated by the center's physician or by the local health officer for the treatment of minor injuries.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§.37 Nutrition and Food Service.

A variety of foods and snacks which appeal to children and which meet children's daily nutritional needs shall be planned and provided. Meals and snacks shall be served at intervals of not more than 3 hours apart. Meals and snacks shall be planned as supplements to one another.

Nutritional Needs:

If a child is at a center for:	He should receive at least:	And receive no less than the following part of his daily nutritional needs:
Less than 4 hours	1 snack	1/8 (10%)
4-7 hours	1 meal and 1 snack	3/8 (35%)
More than 7 hours	1 meal and 2 snacks	1/2 (50%)
	or	
	2 meals and 1 snack	5/8 (60%)

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§.27 Food Service Equipment.

Food service equipment is acceptable providing it can be sanitized, is in good repair, is capable of normal operation, is capable of being maintained in a condition so that it can be easily cleaned, and is not conducive to the harboring of insects and rodents.

§.31 Food Sources.

All food, milk, and other beverages shall be safe, pure, and free from spoilage and contamination.

Only pasteurized fluid milk and fluid milk products may be used or served. Dry milk and dry milk products may be reconstituted, if used for cooking purposes only.

Food which has been processed in a place other than a commercial food processing establishment may not be used. Party cakes or similar foods, which are not potentially hazardous, are exempted.

Home canned foods may not be used.

§.33 Utensils and Equipment Cleanliness.

All utensils and equipment used for the preparation and service of food and beverages shall be cleaned, sanitized, air dried, and stored in an approved manner.

§.34 Single Service Articles.

Single service articles shall be constructed of nontoxic materials and shall be stored, handled, and dispensed in a manner to protect them from contamination. Single service articles shall be used only once.

§.35 Personal Health and Hygiene.

Any person engaged in food service activities shall meet the requirements of the Health Program Affecting Staff, Regulation .38.

Any person engaged in food service activities shall practice good hygiene in personal habits, in handling food, beverage, utensils, and equipment.

Current menus for all meals and snacks served shall be posted in a conspicuous place and made available to parents on request. Menus shall be planned at least 1 week in advance. Menus for meals served shall be kept on file for a 4-week period.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

§.12 Admission Policies.

Admission of Children Requiring Special Care. A child with a mental or physical condition requiring special care may not be admitted to a center without prior approval from the local health officer. The licensee shall be responsible for applying for prior approval.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

§.68 Directors in Centers Serving School-Age Children.

All centers serving school-age children shall have a person in charge of planning and supervising the children's program. This individual shall have responsibility for one center.

When centers primarily serving children 2 to 6 years old enroll school age children, the director may have responsibility for the dual program.

§.69 Directors in Centers Serving only Children 6-16 Years Old.

They shall be at least 21 years old;

Have graduated from high school or have obtained an approved certificate of high school equivalence, or have been admitted to and successfully completed courses in an institution of higher learning.

Shall have had course work beyond high school in child psychology, child development, school age care, elementary education or recreation, and experience in group work directed to the developmental needs of children ages 6 to 16 years old;

Have demonstrated ability to work with parents and other adults in the community;

Shall indicate continued training.

1320. HEALTH AND SAFETY REQUIREMENTS

3.67 Medical Examination for School-Age Children.
A school age child may not be admitted to a center until the parent or guardian has submitted the following information on a standardized form supplied or approved by the Department of Health and Mental Hygiene:

Emergency information.

A source of emergency health services acceptable to parents with written parental agreement for its use.

Parental statement on the health status of the child, noting any known deviations from normal.

Parental admission for the school to give the child's health information to the center.

Information indicating which school has the child's health and immunization records. In the absence of school health records, a medical examination shall be required and physician's statement shall be filed in the center.

When a child has a diagnosed or suspected physical or mental condition, a report of medical examination or a statement by a physician may be requested from the child's parents or guardian by either the director or the local health officer in order for the center to provide adequate care for that child.

1400. FACILITY REQUIREMENTS

1410. SPACE

§.13 Location of Center.

A center shall be serviced by a good road, which is kept passable when the center is in operation, and shall be accessible to emergency vehicles.

§.15 Building.

A basement room located entirely below ground level may not be used for the care of children.

A basement room having the uppermost 3 feet of the required clear inside height above the outside ground level may be used, provided that:

Clear inside height is at least 7 feet and 6 inches;
The heating system keeps the floor warm;
There is no indication of dampness;
The room meets the requirements for ventilation as stated in these regulations;
The room meets the State and local fire codes.

§.16 Playground.

Each center shall have an outdoor playground providing ample play space that is free from hazards. The playground shall be appropriately equipped and readily accessible to the center. The outdoor play area shall be fenced when deemed necessary by the local health officer.

§.18 Space.

Square Footage. At least 35 square feet of usable floor space shall be provided for each child, exclusive of corridors, kitchens, bathrooms, offices, isolation rooms or areas, storage space, and permanent sleeping space. Required space may include non-fixed children's chairs, tables, and play equipment.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§.15 Building.

A building to be used for a center shall be of sound construction, and shall be maintained in good repair.

Ventilation. Ventilation by natural or mechanical means shall be provided and approved.

§.23 Heating Units.

Heating units shall meet the State and local fire codes, and shall be adequate to maintain an even temperature of between 68°F (20°C) and 70°F (21°C) at floor level when the outside temperature is 0°F (-18°C).

Portable space heaters are prohibited.

Chimneys, flues, and pipes connected with the heating system shall be checked and cleaned annually, and shall be maintained in proper operating condition at all times.

All steam pipes shall be covered with insulating materials approved under all applicable codes.

§.24 Gas and Electric Appliances.

All gas appliances shall be connected by approved methods.

All unused gas connections shall be removed or properly capped in an approved manner.

All wiring shall conform to applicable electrical codes.

All open electrical sockets shall be capped or plugged.

§.25 Lighting.

Each room used for children's activities shall be provided with illumination of at least 20 footcandles at play surfaces and at least 10 footcandles on all stairways and corridors. Natural lighting shall be supplemented by artificial lighting to obtain the required illumination.

Glare shall be kept to a minimum by:

Providing shades at all windows exposed to direct sunlight;

Using lighting fixtures designed so that bare lamps or tubes are shielded at normal viewing angles.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

§.21 Sanitary Facilities.

Toilet and Washbowl. At least one toilet and one washbowl shall be provided for each fifteen, or fraction of that number of, children. The washbowl shall be near each toilet, and shall be equipped with hot and cold running water. Toilet seats shall be the open-front type. The fixtures shall be of a height that they may be used by the children without assistance. Children may use platforms to reach fixtures providing the platforms are safe and kept in sanitary condition. The floor in each toilet room shall have a water-resistant, non-absorbent finish, and the walls shall be smoothly finished with a hard surface. Each toilet room shall be equipped with approved natural or mechanical ventilation.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

5.23 Heating Units.

Heating units shall meet the State and local fire codes.

See also 722. Fire Safety Requirements

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Regulations of the Office for Children, Chapter VII, Standards for the Licensure or Approval of Group Day Care Centers, (Code of Human Services Regulations, Title 2 - Children), August, 1976.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

MASS. GEN. LAWS ANN. ch. 28A, §100.01 Definitions.
"Day Care Center," any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other name which receives children, not of common parentage, under seven years of age, or under sixteen years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parent(s).

"Family day care home," any private residence which on a regular basis, receives for temporary custody and care during part or all of the day children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence.

"Family day care system," any person who, through contractual arrangement, provides to family day care homes which it has approved as members of said system, central administrative functions including, but not limited to, training of operators of family day care homes; technical assistance and consultation to operators of family day care homes; inspection, supervision, monitoring, and evaluation of family day care homes; referral of children to available family day care homes; and referral of children to available health and social services....

112. Exclusions and Exemptions

MASS. GEN. LAWS ANN. ch. 28A §100.01 Definitions.
"Day Care Center,"...Day care center shall not include: any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

"Family day care home,"...Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore.

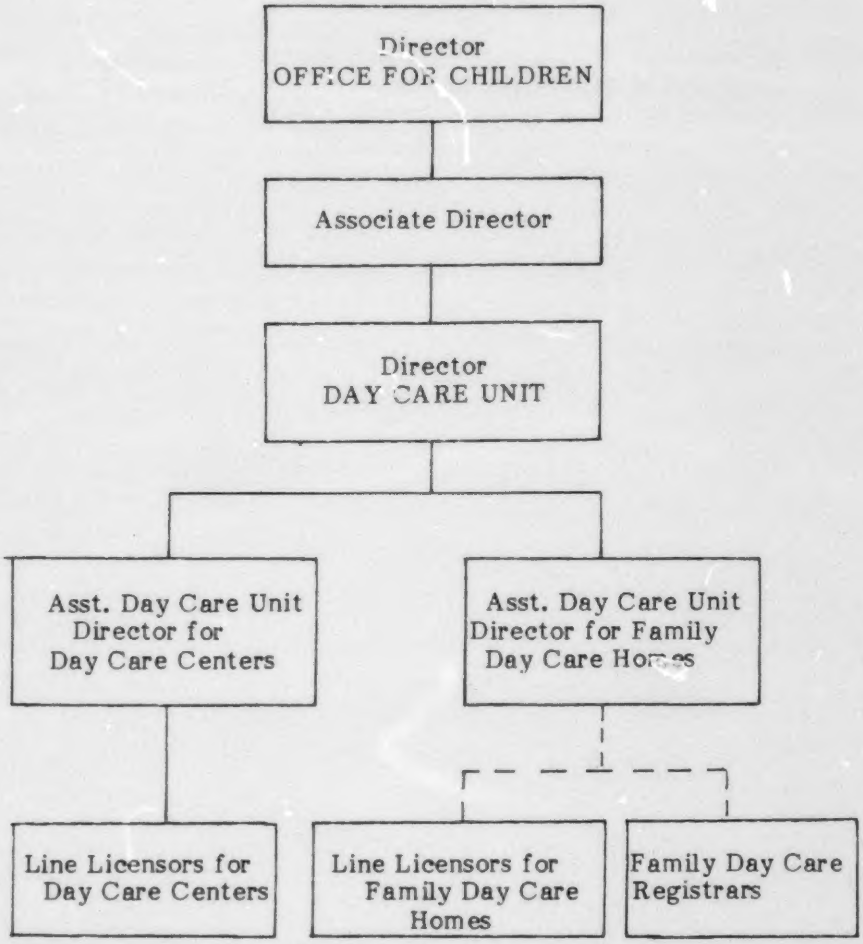
"Family day care system,".....a family day care system shall not mean a placement agency or a day care center.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Director
OFFICE FOR CHILDREN
Associate Director
Director
DAY CARE UNIT
Asst. Day Care Unit Director for Day Care Centers
Asst. Day Care Unit Director for Family Day Care Homes
Line Licensors for Day Care Centers
Line Licensors for Family Day Care Homes
Family Day Care Registrars

In Massachusetts, the licensing staffs are housed in seven regional offices but are supervised from the state central office. Licenses for day care centers are issued from the state central office, and certificates of registration are issued by the family day care licensing staffs from the regional offices. There are 23 locally delegated communities in the state whose public health offices license day care centers using the state regulations. These delegate agencies may not issue waivers, interpret the law or regulations, initiate legal action, or impose requirements other than those of the state. The regional day care center licensing staffs are responsible for supervising the local delegated licensing agencies.

122. Responsible Official

All inquiries should be addressed to:

Director of Day Care Licensing
Office for Children
120 Boylston Street
Boston, Massachusetts 02116
(617) 727-8956

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

MASS. GEN. LAWS ANN. ch. 28A, §10(c) Licensure or Approval of Day Care Centers, Family Day Care Homes or Systems, Family Foster Care, Group Care Facilities, and Placement Agencies; Standards and Requirements; Rules and Regulations for Sections 9 to 16; Inspection; Consultation.

The Office shall, pursuant to the provisions of chapter thirty A, and after consultation with the executive offices of educational affairs, manpower affairs, public safety, communities and development, and the departments of youth services, mental health, public health and public welfare, promulgate rules and regulations to carry out the purposes and functions of sections nine through sixteen. Such regulations, as they relate to standards and requirements for licensure and approval of day care centers, family day care homes which are not part of a family day care system, family day care systems, family foster care which is not supervised and approved by placement agency, placement agencies and group care facilities, shall be appropriate for the protection and health, well-being and development of children.... The office shall conduct a comprehensive review of rules and regulations established under this section at least once every five years.

212. Advisory Body and Other Community Participation

MASS. GEN. LAWS ANN. ch. 28A, §8 Advisory Council; Members; Terms; Expenses; Duties; Report and Recommendations.

There shall be a state-wide advisory council to the Office to consist of the secretaries of the executive offices of human services, manpower affairs, communities and development and educational affairs, or their designees, twelve members appointed by the governor, and sixteen members elected by the local councils for children established under section seven. All appointive or elective members shall serve for terms of three years. The chairman shall be appointed by the governor from the appointed or elected members and shall serve as chairman at the pleasure of the governor, provided, that no member may serve as chairman for more than six years. Appointive or elective members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Said advisory council shall: —

> Assist the director in coordinating the efforts of all public agencies concerned with services to children;
>
> Advise the director on policy, planning and priorities of needs in the Commonwealth for services to children;
>
> Review regulations proposed by the Office and make Recommendations to the director in regard thereto;
>
> Suggest new regulations to the director;
>
> Annually review the programs and policies of the Office;

Review, in conjunction with the Office, at least biannually, the organization, structure and functioning of services to children in the Commonwealth; and

Issue a report to the governor, the general court and the secretaries of all executive offices annually on the first Monday of July. The report shall include but not be limited to the council's goals for action during the next following fiscal year and the following four fiscal years; a review and evaluation of the progress made as the result of such recommendations for the preceding two fiscal years; the council's recommendations on priorities for action to be undertaken by the Office during the following fiscal year and the following four fiscal years; and a review and evaluation of the progress made as the result of such recommendations for the preceding two fiscal years.

220. LICENSING PROCEDURE

221. Application and Issuance

§101.01 Applications.
Any person who wishes to establish and maintain a day care center serving children shall file an application, in writing, with the Office in a manner and on a form prescribed by it. Any person seeking to renew a license or approval shall file an application for such renewal, in writing, with the Office in a manner and on a form prescribed by it not less than thirty (30) days prior to the date of expiration of his current license or approval.

§101.02 Requirements for Applicant.
The applicant shall be the person designated by the owner or the governing body as having responsibility for the administration of the facility.

§101.03 Action by the Office.

Upon receipt and review (which shall include interviews, site visits, and consultation related to licensing standards) of an application for a license or approval or renewal thereof, the Office shall issue or renew a license or approval if it finds that the applicant is in compliance with these regulations.

§101.05 Term of License.

A license or approval is valid for two years from the date of issuance unless revoked, suspended or made probationary.

222. Fee Charged

§101.06 Application Fee.

The application shall be accompanied by a check for thirty dollars ($30.00) made payable to the Commonwealth of Massachusetts.

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

See 221. Application and Issuance

225. Conditional/Provisional Licenses

§102.01 Requirements for Provisional License.

If the Office finds that the applicant has not complied with, or is unable to comply with, all applicable regulations, or if the applicant seeks to operate a center which has not previously operated, the Office may issue a provisional license provided that care given in the center is adequate to protect the health and safety of the children....

§102.02 Term of Provisional License.

A provisional license or approval shall be issued for a period not to exceed six (6) months and may be renewed once for no more than six (6) months. In no case shall a person operate under a provisional license, provisional approval or renewal of a provisional license for more than twelve (12) consecutive months.

226. Substantial Compliance

§101.04 Waivers.

The Office may, upon written request, waive any regulation contained in subchapters B through E and allow an alternative method for compliance with such regulations if the applicant provides clear and convincing evidence, including, at the request of the Office, expert opinion, which demonstrates to the satisfaction of the Office that the applicant's alternative method will comply with the intent of the regulation for which a waiver is requested. The Office may consider any other evidence relevant to the request.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

§103.01 Visits to Determine Compliance.

Any employee of the Office, authorized in writing by the Director, may, at any reasonable time, visit and inspect any center operated by a person who is subject to licensure or approval by the Office in order to determine whether such center is being operated in compliance with the law and with the regulations established by the Office.

232. Denial, Suspension, Revocation of a License

§104.01 Correction of Deficiencies.
Whenever the Office finds upon inspection or through information in its possession that a person operating a day care center is not in compliance with any applicable licensing regulations of the Office, the Office may order that person to correct such deficiency.

§104.02 Content of Orders.
Every such correction order shall be in writing and shall include a statement of the deficiencies found, the period within which the deficiency must be corrected, and the provisions of law and regulations relied upon. The period shall be reasonable and, except when the Office finds an emergency dangerous to the health or safety of children, not less than thirty (30) days from receipt of such order.

§104.03 Request for Administrative Reconsideration.
Within seven (7) days of such receipt, the person operating the center may file a written request with the Office for administrative reconsideration of the order or any portion thereof.

§104.04 Office Action on Requests for Reconsideration.
The Office shall grant or deny such written request within seven (7) days of filing and shall notify the operator of the center of such grant or denial.

§104.05 Enforcement.
In the event that the person operating the center fails to correct any deficiency within the period prescribed for correction, the Office may enforce its correction order under Section 105.01, or 105.02, or in accordance with G.L. c. 28A, s. 16.

233. Remedies and Sanctions

233.1 Hearings

§105.01 Grounds for Adverse Action.

After a hearing, held pursuant to the Office for Children Rules of Procedure for Adjudicatory Proceedings (Title 1 - Office for Children Regulations), the Office may revoke, suspend, refuse to issue or refuse to renew a license or approval if it finds any of the following:

> The applicant or licensee failed to comply with any applicable regulation or any deficiency correction order;
>
> The applicant or licensee submitted any misleading or false statement or report required under these regulations;
>
> The applicant refuses to submit any report or make available any records required under these regulations;
>
> The applicant or licensee refused to admit, at a reasonable time, any employee of the Office authorized by the Director to investigate or inspect, in accordance with Part 103.

§105.02 Suspension Without a Hearing.

The Office may refuse to issue or may suspend any license or approval without a hearing if failure of the operator or licensee to comply with any applicable regulation results in an emergency situation which endangers the life, health, or safety of children or staff present in the center. Any notice of such refusal to issue or suspension of a license or approval shall be hand delivered or mailed to the licensee via first class mail, registered, return receipt requested. However, upon written request of an aggrieved party, delivered in hand or mailed to the Office via first class mail, registered, return receipt requested, a hearing shall be held within seven (7) business days of the delivery of such request; provided that such request is delivered in hand, or mailed to the Office within three (3) business days of such refusal to issue or suspension of any license or approval.

Such notice of refusal to issue or suspension of a license or approval, pursuant to this section shall include a copy of the provisions of this section.

The licensee shall notify parents of all children in the center of any such refusal to issue or suspension of a license or approval within two (2) business days of receipt of notice from the Office.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review and Sanctions

MASS. GEN. LAWS ANN. ch. 28A, §13 Suspension, Revocation, etc. of License or Approval; Grounds; Hearing; Decision; Judicial Review.

Subject to the requirements of chapter thirty A, the Office may suspend, revoke, make probationary, refuse to issue or refuse to renew the license or approval of any person. Such action may be taken if such person: (1) fails to comply with applicable rules and regulations; (2) furnishes or makes any misleading or false statement or report required under such rules and regulations; (3) refuses to submit any reports or make available any records required by such rules and regulations; or (4) refuses to admit representatives of the Office at any reasonable time for purposes of investigation or inspection. The Office may temporarily suspend a license in an emergency situation without a prior hearing; provided, however, that upon request of an aggrieved party, a hearing shall be held as soon after the license is suspended as is reasonably possible. Any party aggrieved by a final decision of the Office in any adjudicatory proceeding under this section may petition for judicial review in accordance with the provisions of section fourteen of chapter thirty A.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§106.01 Posting of License, Approval of Order.
The licensee shall post, in a conspicuous place, any current license or approval issued to him by the Office and any notice of hearing, order or decision issued by the Office that pertains to the center. Such posting shall be in an area accessible to visitors and employees.

§106.02 Notification of Legal Proceedings.
Every licensee shall report, in writing, to the Office any legal proceeding (within ten (10) days of initiation of such proceedings) brought against him or any person employed by the center if such proceedings arise out of circumstances related to the care of children in the center or to the continued operation of the day care program.

§106.03 Notification of Death or Serious Injury.
The licensee shall immediately report to the Office the following:

> The death of any child which occurs while such child is in care;
>
> Any injury to, or illness of, any child which occurs during the hours while such child is enrolled in care and which requires in-patient hospitalization overnight.

§106.04 Notification of Change of Ownership.
The licensee shall provide notification, in writing, to the Office prior to any change in ownership of the center.

§106.05 Notification of Change in Chief Administration.

The licensee shall provide prior notification, in writing, to the Office of any change in the person designated by the owner or the governing body as having responsibility for administration of the facility.

§106.06 Change in Location.

The licensee shall provide prior notification, in writing, to the Office of any change in location of the center.

§106.07 Availability of Regulations.

The licensee shall have a copy of these regulations on the center premises and shall make them available to any person upon request.

§107.01 Transfer of License.

A license or approval shall not be transferable from one licensee to another; from one center to another; from one location to another; or from one owner to another.

§200.01 Statement of Purpose.

Each licensee shall keep and maintain a written statement identifying the center's philosophy; its goals and objectives; the characteristics of children served, including but not limited to age, sex, special needs; its intake procedures and the services provided. The licensee shall provide each child's parent(s) with a copy of this statement, shall make this statement available upon request to any person and shall keep such statement current.

§200.03 Fee Schedule.

The licensee shall maintain a written fee schedule for the services provided. Such schedule shall be provided to parents and to any person upon request and shall be kept current.

§201.01 Evidence of Authority to Operate.

Each licensee shall have documentary evidence of his source of authority to operate the center:

A center operated by the Commonwealth or any political subdivision thereof shall keep and maintain documents that identify the statutory basis of its existence, and the administrative framework of the governmental department in which it operates;

A private center shall keep and maintain documents that fully and completely identify its ownership. Corporations, partnerships, or associations shall identify their officers and maintain a file which shall include, where applicable, the charter, partnership and agreement, constitution, articles of organization and by-laws.

§201.02 Designation of Administrative and Program Development Responsibility.

Each licensee shall designate at least one person who shall have administrative responsibility over the operation of the center and who shall be responsible for developing and maintaining the early childhood education program of the center, including, but not limited to, such functions as daily activities for the children, health and nutrition programs, field trips, parent involvement, social services, staff supervision and training. More than one person may be designated to share such responsibilities.

In centers with licensed capacities of forty or more children, the designated person shall be a full-time non-teaching director regularly on the premises of the center. If administrative functions and program development are carried out by more than one person, the center shall demonstrate that administrative duties will be carried out by designated individuals on a full-time basis.

In full day centers with licensed capacities of twenty-five to thirty-nine children, the licensee shall allocate at least fifty percent of a full-time position for non-teaching administrative and program development duties, on the premises during the hours of operation.

The licensee shall not utilize staff who are assigned teaching duties to perform administrative or program development duties when assigned to groups of children.

§201.03 Requirements for Administrator.

The administrator, as defined in Section 201.02, shall meet the qualifications for a head teacher, as established in Section 300.01(a), and shall be a full-time staff member on the premises regardless of whether duties are split between teaching and non-teaching responsibilities as allowed by Section 201.02. If more than one person is designated as administrator, at least one person who is designated must be a full-time staff person, on the premises, and must meet the head teacher requirements, as established in Section 300.01(a).

§201.04 Organizational Information.

Information on the administrative organization of the center shall be provided to parents and staff, including identification of lines of authority and supervision.

§201.05 Provisions for Temporary Absence of Administrator.

The licensee shall inform all staff on duty as to who is responsible for administration of the center at any given time. In the event of the temporary absence of the administrator, the administrator may appoint a designee who shall be on the premises of the center while it is in operation. The designee shall meet the qualifications of a teacher, as required by Section 300.01(b).

§201.06 Business Management.

The licensee shall establish a system of business management and staffing to assure that the center maintains complete and accurate accounts, books and records, including required personnel and children's records.

§202.01 Research and Experimentation; Unusual Treatment.

No licensee shall conduct research, experimentation, or unusual treatment involving children without the written, informed consent of the affected child's parents or guardian, for each occurrence. In centers where observations of children (by other than parents of the children in the center) are common, a general parental consent may be obtained in writing. Observation shall mean that there is no interaction between the child and the observers and no identification of the individual child. In no case shall the licensee allow physical harm of children to be carried out during research, experimentation or unusual treatment. Research and experimentation shall not mean program evaluation or data collection for purposes of documenting services of the facility which do not identify individual children.

§202.02 Unauthorized Activities.

The licensee shall not authorize any activities unrelated to the direct care of children or to any contacts with the parent(s) or guardian without the written, informed consent of the parent(s) or guardian. "Activities" shall mean, but not be limited to:

Fund raising;

Publicity, including photographs and participation in the mass media.

§300.06 Evidence of Required Certifcation, Licensure or Registration.

The licensee shall obtain, upon request of the Office, evidence that personnel are currently certified, licensed or registered where applicable laws require certification, licensure or registration.

§400.01 Authority to Admit.

The licensee shall admit children, children with special needs, and infants or toddlers only if licensed or approved to do so. Upon request, the Office may amend an existing license issued under these standards to allow admissions of special needs children or infants and/or toddlers, providing that the licensee demonstrates that he can meet applicable standards.

§400.03 Center Size.

The licensee shall not admit or enroll, at any one time, more children than the licensed capacity of the center.

312. Telephone

§504.03 Telephone Requirements.

The licensee shall provide one non-coin operated telephone on the premises of the center for center use.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

See 723. Transportation

320. PERSONNEL

321. Publication of Personnel Policies

§300.03 Personnel Policies.

In centers with four (4) or more paid staff members, the licensee shall describe, in writing, the center's current personnel policies and practices and shall make them available to all employees and prospective employees at the center. Such personnel policies shall include, when appropriate, a description of:

> Criteria and procedures for hiring, and suspension or dismissal of any staff person;

The procedures for handling staff complaints;

Provisions for vacations, holidays, leaves, and sick days;

Information on probation periods; hours of work, including staff meetings and training sessions; overtime; skeleton days; jury duty; bereavement pay; breaks; and leaves of absences.

§300.04 Job Descriptions.
In centers with four (4) or more paid staff members, the licensee shall make available written job descriptions for all paid staff positions.

§300.05 Salary Ranges.
In centers with four (4) or more paid staff members the licensee shall establish and describe, in writing, a salary range covering all positions and shall provide each employee with information regarding the salary range for his position or the procedure for determining the salary for his position.

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

§200.02 Non-Discrimination.
The licensee shall not discriminate in providing services to children and their families on the basis of race, religion, cultural heritage, political beliefs or marital status.

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340. RECORDS REQUIREMENTS

341. Children

§204.01 Children's Records.

The licensee shall maintain a written record for each child which includes:

A fact sheet or sheets, which identifies the child by the following information, where available:

The name, date of admission, date of birth, place of birth, and primary language of the child and parent(s), if other than English;

The parent's name, address, and phone number (home and business);

Name, address and phone number of person to contact in case of emergency when the parent is unavailable;

Sex, race, height, weight, color of hair, color of eyes, and any identifying marks.

Copies of periodic progress reports, as required in Section 203.03;

Medical records indicating the child's health while enrolled, including admissions and physical examinations, as required in Sections 400.04 and 402.05; immunizations, as required in Section 400.05; and a record of any prescribed medications administered to the child, as required by Section 402.04;

Individual program plans, and periodic review of such plans, for any special needs child, as required in Section 400.07;

All necessary authorizations and consents and information required in Section 400.09;

All pertinent correspondence concerning the child, including referrals for social services, as required in Section 410.03.

§204.02 Maintenance of Records.
The licensee shall maintain records which shall be legible, dated and signed by the individual making the entry. The licensee shall continually update all information in the children's record. The licensee shall retain records for a period of at least five (5) years after a child has left the center unless the record has been transferred to the parent, as provided in Section 204.06.

342. Staff

§300.02 Availability of Personnel Qualifications.
The licensee shall have on file at the center evidence acceptable to the Office of qualifications of staff required by these regulations.

343. Child Eligibility and Enrollment Requirements

§400.02 Admissions Age Restrictions.
The licensee shall not admit a child under one month of age.

§400.06 Meeting with Parents.
The licensee shall assure that the administrator or his designee shall meet with the parent(s) prior to admitting a child to the center.

At the meeting, the licensee shall provide to the parent(s) the center's written statements of purpose, services, procedures for parent conferences, visits and input to center policy; procedures relating to children's records; and procedures for providing emergency health care.

The licensee shall provide the opportunity for the parent(s) to visit the center's classrooms at the time of the meeting or prior to the enrollment of the child.

§400.09 Parent Authorization, Consents, Information.

The licensee shall, in admitting a child, require the parent to provide the following authorizations, consents and information which shall be made part of the children's record:

The child's daily schedule, developmental history, sleeping and play habits, favorite toys, accustomed mode of reassurance and comfort;

Procedures for toilet training of the child, if appropriate;

Where appropriate, the child's eating schedule and eating preferences, including information on special diets and/or allergies; and for infants, a description of formula preparation;

Information on where to reach the parent and an alternative nearest relative or friend in case of an emergency as well as the child's physician or clinic, if any;

Parental consents for emergency first aid, and any field trips and transportation to a specific hospital in emergencies;

Identity of any person authorized by the parent to take the child from the center or receive the child at the termination of the day and a copy of the written parental authorization.

§400.10 Validity of Consents.

A written consent provided under Section 400.09 shall be valid for one year from the date of its execution unless such consent is withdrawn, in writing, prior to that time.

344. Child Abuse Reporting

§402.01 Health Care Policy.
The licensee shall have a written health care policy statement which is provided to each staff member and is posted near a telephone which will be used for making emergency calls. The health care policy shall be approved by the health care consultant, required under Section 402.02. The statement shall include:....

> The procedure for reporting suspected child abuse or neglect to the Department of Public Welfare.

345. Confidentiality of Records Requirements

§204.03 Confidentiality and Distribution of Records.
Information contained in a child's record shall be privileged and confidential. The licensee shall not distribute or release information in a child's record to anyone not directly related to implementing the program plan for the child without the written consent of the child's parent(s). The licensee shall notify the parent(s) if a child's record is subpoenaed. The child's parent(s) shall, upon request, have access to his child's record at reasonable times. In no event shall such access be delayed more than two (2) business days after the initial request without the consent of the child's parent(s). Upon such request for access, the child's entire record, regardless of the physical location of its parts, shall be made available. The licensee shall establish procedures governing access to, duplication of, and dissemination of such information; and shall maintain a permanent, written log in each child's record indicating any persons to whom information contained in a child's record has been released. Each person disseminating or releasing information contained in a child's record, in whole or in part, shall, upon each instance of dissemination or release, enter into the log the following: his name, signature, position, the date, the portions of the record which were disseminated or released, the purpose of such dissemination or release, and the signature of the person to whom the information is disseminated or released. Such log shall be available only to the child's parent(s) and center personnel responsible for record maintenance.

§204.04 Charge for Copies.

The licensee shall not charge an unreasonable fee for copies of any information contained in the child's record.

§204.05 Amending the Child's Record.

A child's parent(s) shall have the right to add information, comments, data or any other relevant materials to the child's record.

A child's parent(s) shall have the right to request deletion or amendment of any information contained in the child's records. Such request shall be made in accordance with the procedures described below:

> If such parent(s) is of the opinion that adding information is not sufficient to explain, clarify, or correct objectionable material in the child's record, he shall have the right to have a conference with the licensee to make his objections known;
>
> The licensee shall, within one (1) week after the conference, render to such parent(s) a decision in writing stating the reason or reasons for the decision. If his decision is in favor of the parent(s) he shall immediately take steps as may be necessary to put the decision into effect.

§204.06 Transfer of Records.

Upon written request of the parent(s), the licensee shall transfer the child's record to the parent(s), or any other person the parent(s) identifies, when the child is no longer in care.

§204.07 Notification to Parents.

The licensee shall notify the parent(s), in writing, of the provisions of Sections 204.03, 204.04, 204.05, 204.06 and 205.01 at the time of the child's admission to the center and thereafter, in writing, at least once a year.

§205.01 Availability of Information to the Office.

Notwithstanding Section 204.03, upon request of an employee, authorized by the Director and involved in the regulatory process, the licensee shall make available to the Office any information required to be kept and maintained under these regulations and any other information reasonably related to the requirements of these regulations. Authorized employees of the Office shall not remove identifying case material from the center's premises and shall maintain the confidentiality of individual records.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§301.06 Children At Least Two Years, Nine Months, But Less Than Four Years, Nine Months: Staff Ratios and Groupings in Full Day Centers.

The licensee shall not group children aged at least two years, nine months, but less than four years, nine months of age in groups larger than twenty;

The licensee shall assign one teacher or teaching assistant for each ten or fewer children;

One of the persons assigned to a group of twenty children, under this section, shall meet the qualifications of a teacher under Section 300.01(b).

§301.07 Children At Least Two Years, Nine Months, But Less Than Four Years, Nine Months: Staff Ratios and Groupings in Half Day Centers.

In centers operating four hours or less per day, or in centers where no child attends more than four hours per day, the licensee shall place children two years, nine months but less than four years, nine months of age in groups no larger than twenty-four children;

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In centers operating for four hours or less per day, or in centers where no child attends more than four hours per day, the licensee shall assign one teacher or teaching assistant for each twelve or fewer children at least two years, nine months, but less than four years, nine months of age. One of the persons assigned to a group of twenty-four children, under paragraphs (c) and (d) of this section shall meet the qualifications for a teacher under Section 300.01(b)

§301.08 Children At Least Four Years, Nine Months, But Less Than Seven Years: Staff Ratios and Groupings.

The licensee shall not have children, four years, nine months, but less than seven years of age, in groups larger than thirty;

The licensee shall assign one teacher or teaching assistant for each fifteen or fewer children;

One of the persons assigned to a group of thirty children, under this section, must meet the qualifications for a teacher under Section 300.01(b).

§301.09 Children At Least Two Years, Nine Months, But Less Than Seven Years: Staff Ratios and Groupings in Mixed Groups.

The licensee shall not have children two years, nine months, but less than seven years of age in mixed groups larger than twenty;

The licensee shall assign one teacher or teaching assistant for each ten or fewer children, at least two years, nine months, but less than seven years of age in mixed groups;

One of the persons assigned to a group of twenty children under this section must meet the qualifications for a teacher under Section 300.01(b).

412. Methods of Computing Staff/Child Ratios

§301.01 Head Teachers.
In all centers with licensed capacities of forty to seventy-nine children, the licensee shall provide one full-time staff member on the premises designated as a head teacher. The head teacher shall meet the qualifications in Section 300.01(a), and may be the same person as the non-teaching director required in Section 201.02(a).

In all centers with licensed capacities of more than seventy-nine children and for every increase in the licensed capacity of forty children, in excess of seventy-nine, the licensee shall provide a second full-time person on the staff within the regular ratios who meets the qualifications for a head teacher.

§301.11 Determination of Age of Children.
The licensee shall determine the age of children, for purposes of staff/child ratios, on the age of the child at the date of admission to the center each year that they are enrolled.

§301.12 Staff Schedules.
The licensee shall establish a written schedule listing persons on duty. The schedule shall indicate compliance with the minimum staff ratios required by these regulations.

The licensee shall keep the schedule current.

§301.13 Staff to be Included in Ratios.

For purposes of calculating staff/child ratios under these regulations, staff shall include only those persons hired or assigned to supervise or teach children for specific hours of the day.

In no case shall the licensee assign paid or volunteer staff persons under the age of sixteen to meet required staff/child ratios.

The licensee shall not assign teaching assistants, student interns or parents, who do not meet the qualifications for a teacher, to a group which does not have a teacher assigned.

Student interns and volunteers, other than parents of children in the center, shall not be included in staff/child ratios unless they are assigned to the center for at least three consecutive months.

§301.14 Supervision.

The licensee shall, at no time, leave children unsupervised.

§301.15 Supervision at the Beginning and End of the Day.

Notwithstanding the staff/child ratios required by these regulations, the licensee may meet the following ratios at the beginning and end of the day, for no more than one hour at a time:

> Two adults, one of whom shall meet teacher qualifications, shall be on the premises performing teaching duties at all times when there are seven or more children present;
>
> One adult trained in accordance with Section 402.01 and 402.03, shall be present at all times when six or fewer children are present, provided that a neighbor or other adult is available, promptly, for emergencies;
>
> The licensee shall post the name, location and telephone number of the person available in emergencies.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 412. Methods of Computing Staff/Child Ratios

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See 513. Education

512. Health

S402.06 Medical Examination for Staff.

The licensee shall require, before employment of any paid staff member, that the staff member present evidence of a negative tubercular test or x-ray performed within three months prior to the date of initiation of employment and written certification from a physician that the staff member is free from communicable disease and indicating any limitations the staff member may have in working with young children due to health problems. The tuberculin test or x-ray must be repeated every three years and certification provided to the center by the staff member of a negative result. Such an examination shall not be required of any person who objects on the basis of religious beliefs.

513. Education

§300.01 Staff Qualifications.

A teacher shall meet one of the following sets of requirements:

> Have a high school diploma or equivalent, or be twenty-one (21) years of age; have evidence of satisfactory completion of one (1) course in early childhood education offered by an institution of higher education or approved by the Office; and have nine (9) months, at least half-time experience, giving care to pre-school age children in a day care center; OR
>
> Have an Associates or Bachelor's degree in early childhood education or related fields such as child care, psychology, mental health, child development, social work or elementary education; have evidence of satisfactory completion of one (1) course in early childhood education offered by an institution of higher education or approved by the Office; and have three (3) months, at least half-time, supervised care giving experience with pre-school age children in a day care center.
>
> In those centers licensed to accept infants and toddlers, teachers meeting paragraph (b)(i) above shall have at least six (6) months of their experience providing care to infants or toddlers in a day care center or registered family day care home. Teachers meeting paragraph (b)(ii) above shall have at least three (3) months at least half-time experience providing care for infants or toddlers in a day care center or registered family day care home.

Teaching assistants, either paid or volunteer, shall be at least sixteen years of age and shall work under the direct supervision of a teacher or head teacher at all times.

514. Experience

§300.01 Staff Qualifications.
The licensee shall employ head teachers, teachers, consulting resource teachers, and teaching assistants who by prior education, training, experience and interest in early childhood education are appropriate to meet the needs of the children in care.

See also 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 523. Education

522. Health

See 512. Health

523. Education

§300.01 Staff Qualifications.
A head teacher shall meet one of the following sets of requirements:

> Be at least twenty-one years of age; have a high school diploma or equivalent; have evidence of satisfactory completion of (4) courses in early childhood education offered by an accredited institution of higher education or approved by the Office; and have thirty-six (36) months at least half-time experience giving care to pre-school age children in a day care center; OR
>
> Have an Associates degree in early childhood education or related field such as child care, psychology, mental health, child development, social work or elementary education, and have evidence of satisfactory completion of four (4) courses in early childhood education offered by an institution of higher education or approved by the Office and have twenty-seven (27) months, at least half-time experience giving care to pre-school age children in a day care center; OR

Have a Bachelor's degree, or advanced degree, in early childhood education or related fields such as child care, psychology, mental health, child development, social work or elementary education, and have evidence of satisfactory completion of four (4) courses in early childhood education offered by an institution of higher education or approved by the Office, and have eighteen (18) months, at least half-time experience, giving care to pre-school aged children in a day care center.

In those centers licensed to accept infants and toddlers, the head teacher, meeting either (i), (ii), or (iii) above shall have at least nine months of their experience in providing care for infants or toddlers in a day care center or registered family day care setting.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 542. Child Caregiver Staff

542. Child Caregiver Staff

§300.07 Staff Orientation.

The licensee shall provide orientation for all new staff to acquaint them with the center's philosophy, organization, program, practices, and goals. The licensee shall describe, in writing, the center's plan for staff orientation.

§300.08 Staff Training.
The licensee shall provide ongoing training programs, including participation by teaching staff in two (2) hours of training per month. The licensee shall describe, in writing, the center's plan for staff training.

The licensee shall describe, in writing, its arrangements with any professional training program, including a description of student intern responsibilities and the supervision of student interns by the college and the center.

543. Support Staff

§300.09 Volunteers.
Volunteers shall be chosen for their ability to meet the needs of the children in care and shall be provided appropriate orientation, training and supervision.

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§401.01 Required Plan.
The licensee shall establish a written plan describing the various activities of the center for a typical week which shall be posted in a place which can be easily viewed by staff and visitors. Such plan shall indicate time for the following activities, for all children, infants and/or toddlers:

Snacks and meals;
Rest, sleep or quiet activity;
Toileting;
Outdoor play;
Indoor activities;

Field trips, if any;

Time in and out of the crib for infants, individual feeding, sleeping and washing schedules.

S401.02 Requirements for Activities.

The licensee shall provide a well balanced program that supports the developmental needs of all children served. The licensee shall provide the following:

Reasonable regularity in routine, with sufficient flexibility to respond to the needs of individual children;

Opportunity for a child to have a free choice among a variety of activities or to play alone or with one or several chosen peers if desired for at least two periods a day, for full day centers; and one period of a day, for half day centers;

Daily indoor and outdoor time periods, weather permitting, which include both small and large muscle activities;

Opportunities for the child to participate in a variety of creative activities, such as art, music, literature, dramatic play and science;

Provision for privacy through arranging a small, quiet area that is inviting to children and is easily accessible to the child who seeks or needs time alone;

Experiences which are in harmony with the life style and cultural background of the children enrolled. Cultural diversity shall be reflected through the incorporation of different language, foods, celebrations, activities and life styles where appropriate;

Opportunity for infants and toddlers to crawl freely for the major part of the day, with certain times specified for individual talking to, handling, and playing with by the assigned teacher;

Opportunities for all children to learn self-help skills such as dressing and undressing, buttoning, tying shoes and using eating utensils appropriately.

§401.03 Prohibition of General Housekeeping Activities.
Routine, major housekeeping activities such as vacuuming, washing floors, windows, etc. shall not be carried on in any room while it is occupied by the children.

612. Program Equipment and Materials

§504.01 Varieties of Equipment.
The licensee shall have sufficient play materials, equipment and furnishings for the children enrolled at any one time. The licensee shall provide an adequate variety of play materials and equipment which shall be representative of each category listed below:

Art supplies: paint (tempera, poster, finger), easel, crayons, blunt scissors, paste, clay, and collage materials;

Blocks and accessories: large and small blocks, boats, cars, planes, trains, figures of people, and animals of various sizes;

Books and posters: picture and story books, flannel boards;

Dramatic play area: beds, dolls, telephones, toy stoves, sink, refrigerator, cabinets, table, chairs, dishes, pots, pans, ironing board, iron, cleaning equipment, broom, dress-up clothes (both men's and women's), large mirror placed at child's level, puppets, and materials for costumes;

Large muscle equipment: boxes, boards, saw horses, barrels, climbers, ladders, workbench, sand, water, wheel toys, swings, slides, balls;

Manipulative toys: pets, beads, lotto, puzzles, pounding boards, small building sets;

Musical equipment: piano, records and record player, drums, cymbals, bells, rhythm sticks;

Science materials: aquarium with fish, non-poisonous seeds and flower pots, growing plants, gardening tools, dry batteries, magnets, compass, thermometer, rope and pulleys, magnifying glass;

For centers accepting infants, the licensee shall provide materials such as rattles, stuffed animals, mobiles and crib decorations.

§504.02 Requirements for Equipment.
Some materials and equipment shall be visible and readily accessible to the children in care and shall be arranged so that children may select, remove and replace the materials either independently or with minimum assistance.

The licensee shall provide equipment which reflects the racial and ethnic composition of the children enrolled.

613. Nap Provision

§409.01 Rest or Quiet Activity Period.
The licensee shall provide for a mid-session rest or quiet activity period in programs where children are in care for less than four hours. The length of the rest or quiet activity period shall be appropriate to the needs of the children.

§409.02 Extended Rest, Quiet Activity or Sleep Period.
The licensee shall, in addition to the mid-session rest or quiet activity period, provide for extended rest, quiet activity or sleep to children in care for longer than four hours. The length of this period shall be

appropriate to the needs of the children, but in no case shall it be less than forty-five (45) minutes. Children shall be allowed the amount of rest, quiet activity or sleep needed.

§409.03 Requirement for Extended Rest or Sleep Periods.
The licensee shall provide the following during rest or sleep periods:

An area which is designated to minimize noise and disturbance;

A separate mat, cot or bed, and blanket for each child;

A crib for each infant under twelve months of age;

No use of restraints on children while sleeping, but use of hospital crib nets is permitted;

Cots, mats, blankets and sheets utilized must be individually marked and in good repair and clean;

Pillows shall not be given to infants.

§409.04 Space and Sleeping or Rest Area.
The licensee shall arrange a sleeping or rest area which is large enough to maintain a minimum of two feet between each crib, bed, cot or mat on all sides except where in contact with a wall or partition. The licensee shall arrange the sleeping area in such a way that children are easily accessible during an emergency.

614. Discipline and Guidance

§405.01 Requirements for Discipline.
Discipline and guidance shall be consistent and based on an understanding of the individual needs and development of a child. The licensee shall direct discipline to the goal of maximizing the growth and development of the children and for protecting the group and individuals within it.

Corporal punishment shall not be used, including spanking.

No child shall be subjected to cruel or severe punishment, humiliation, or verbal abuse.

No child shall be denied food as a form of punishment.

No child shall be punished for soiling, wetting or not using the toilet.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

§402.02 Health Care Consultant.

The licensee shall have either a physician, a public health nurse, a registered nurse, or health clinic director who shall approve and aid in developing health care policies for the center, shall approve the plan for first aid training of staff, and shall be available for consultations.

712. Health Assessments

§400.04 Required Medical Examinations.

The licensee shall admit a child only if provided with a written statement from a physician which indicates that the child has had a complete physical examination within one year prior to each year's enrollment, or obtains one within one month of admission, and the results of such an examination; or obtains a written verification from the child's parent(s) that they object to such an examination on the grounds that it conflicts with their religious beliefs.

The licensee shall inform parents of the dangers of lead paint poisoning and shall recommend that parents have their children tested for lead paint poisoning by a physician or appropriate clinic.

The licensee of a center operating on a provisional license due to the detection of lead paint in the center shall assure that each child has a blood test for lead paint poisoning by a physician or appropriate clinic or obtain written verification from the child's parent(s) that they object to such a test on the grounds that it conflicts with their religious beliefs or a physician's statement that such a procedure is contra-indicated.

§402.05 Examination for Children.
The licensee shall request that the parent(s) provide a dental check-up or check of vision and hearing when the appearance or behavior of the child clearly indicates the need for such examinations.

713. Immunizations

§400.05 Age Appropriate Immunizations.
The licensee shall require, at admission, a physician's certificate that each child has been successfully immunized in accordance with the current Department of Public Health's recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles and such other communicable diseases as may be specified from time to time by the Office. No child shall be required, under this regulation, to have any such immunization if his parent(s) objects thereto, in writing, on the grounds that it conflicts with their religious beliefs or if the child's physician submits documentation that such a procedure is contra-indicated.

714. Sanitation

§403.01 Written Plan.
The licensee shall have a written plan describing the procedures for regular toileting and diapering of children, and for disposal or cleaning of soiled clothing, diapers, linen and blankets.

§403.02 Toileting.
The licensee shall toilet train children in accordance with the requests of their parents and consistent with the child's physical and emotional abilities.

§403.03 Diapering.
The licensee shall change the diapers of children regularly and when soiled or wet and shall wash and dry each child with individual washing materials during each diaper change.

> The licensee shall maintain a supply of clean, dry diapers adequate to meet the needs of the children.
>
> The licensee shall use a disposable covering on the changing surface which shall be changed after each use.

§404.01 Extra Clothing; Changing of Soiled or Wet Clothing.
The licensee shall keep on hand extra clean and dry indoor and outdoor clothing to change a child's clothing which becomes soiled or wet.

§404.02 Storage of Soiled or Wet Clothing.
The licensee shall store soiled clothing or diapers which are a potential health hazard in a covered, water-proof container unless they can be sanitized immediately after removal from the child.

§408.04 Drinking Water and Cups.
The licensee shall provide a source of sanitary drinking water located in or convenient to rooms occupied by children. When non-disposable cups are used for drinking water, they shall be washed and sanitized after each use.

715. Daily Illness Screening
Not specified

716. Care of Sick Children

§402.03 First Aid and Preventative Health Care Procedures.
The licensee shall maintain a quiet area for mildly ill children.

The licensee shall not admit a child or staff member to the center who has a diagnosed communicable disease, during that time when it is communicable, and shall notify all parents when any communicable disease, such as measles or mumps, has been introduced into the center.

717. Medication and Special Diet Provisions

§402.04 Administration of Medication.
The licensee shall not administer prescription or non-prescription medication to a child without the written order of a physician (which may include the label on the medication) which indicates the medication is for the specific child.

> No medication, whether prescription or non-prescription, shall be administered to a child without written parental authorization.
>
> The licensee shall keep a written record of the administration of prescribed medication to children which includes the time and date of each administration, the name of the staff member administering the medication, and the name of the child.
>
> The licensee shall keep all medicine labeled with the child's name, the name of the drug and the directions for its administration and shall dispose of, or return to the parent(s), any unused medication.

§406.06 Special Diets.

The licensee shall follow parental or physician's orders in preparation or feeding of special diets to children and shall follow the directions of the parents in regards to any food allergies of a child or where vitamin supplements are required.

718. Waiver of Health Requirements

See 954. Health Assessments and 955. Immunizations

720. SAFETY

721. General Safety Requirements

§402.03 First Aid and Preventative Health Care Procedures.

The licensee shall keep all toxic substances, medications, sharp objects and matches in a secure place out of the reach of the children.

722. Fire Safety Requirements

§504.04 Fire Drills.

The licensee shall hold fire drills in accordance with procedures required in Section 402.01(g) at least twice per year.

§504.05 Smoking in Classrooms.

The licensee shall not permit smoking in classrooms during hours that children are in attendance.

723. Transportation

§503.01 Written Plan.

The licensee shall describe, in writing, any plans for transportation of children, including the names of persons authorized to transport children and transportation of children in an emergency.

§503.02 Vehicle and Driver Requirements.

The licensee shall provide that any vehicle used for transportation of more than nine children, at any one time, and the driver thereof shall conform to Massachusetts school bus requirements as contained in the pertinent sections of Chapter 90 of the General Laws and the "Rules and Regulations Establishing Minimum Standards for the Construction and Equipment of School Buses," Registry of Motor Vehicles.

The licensee shall provide that any vehicle used for the transportation of eight or nine children, at any one time, and the drivers thereof, shall conform to Massachusetts school bus requirements as contained in Section 7D of Chapter 90 of the General Laws.

The licensee shall provide that station wagons, sedans, vans or other private or hired vehicles used for transporting seven or fewer persons, exclusive of the driver, shall be registered in accordance with the laws of the Commonwealth if transportation thereby is paid for directly or indirectly by parents, guardians or custodians of the children, and shall conform to the requirements for school bus signs as contained in Section 7B(1) of Chapter 90.

The operator of any vehicle transporting children shall be licensed in accordance with the laws of the state, and any vehicle used for transportation of children shall be bi-annually inspected in accordance with the laws of the state.

§503.03 Insurance.

The licensee shall use no center-owned or staff member's vehicle to transport children unless it has the following minimum amounts of liability insurance:

Injury per person, $100,000;
Injury per accident $300,000:
Property damage, $5,000.

§503.04 Transportation Safety.
The licensee shall not allow the number of children riding in a center-owned, staff member's vehicle or hired vehicle for a center related activity, to exceed the number of seats therein at any time. The driver shall not drive vehicles unless all children are seated.

Suitable safety carriers, restraints or seat belts shall be provided for and utilized by each child, driver and attendant. All car restraints shall meet the 1975 Standards of Physicians for Automotive Safety or Consumer Union guidelines and shall be crash tested and child approved.

When more than nine children are being transported, an attendant other than the driver is required.

When transporting children, sharp, heavy or potentially dangerous objects shall not be transported, or shall be securely restrained.

The licensee shall ascertain the nature of any need or problem of a child which may cause difficulty during transporting such as seizures, a tendency towards motion sickness and disabilities and shall communicate such information to the operator of any vehicle transporting children.

Children shall be released by the driver of the vehicle only to designated persons authorized by the children's parent(s) to receive such children.

Children shall not be regularly transported for periods longer than forty-five (45) minutes one way between their home and the location of the center.

724. Safety Requirements for Equipment

§504.02 Requirements for Equipment.

The licensee shall only use equipment, materials, furnishings, toys, and games which are appropriate to the needs and developmental level of the child. They must be sturdy, safely constructed, flame retardant, easily cleaned, and free from lead paint, protruding nails, rust, and other hazards which may be dangerous to children.

> The licensee shall not use any item in the center which is listed on the "Banned Products Lists" published by the United States Consumer Product Safety Commission.
>
> The licensee shall keep all equipment, materials, furnishings, toys, and games clean and in a safe, workable condition.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

§402.01 Health Care Policy.

The licensee shall have a written health care policy statement which is provided to each staff member and is posted near a telephone which will be used for making emergency calls. The health care policy shall be approved by the health care consultant, required under Section 402.02. The statement shall include:

> The name, address and telephone number of the physician or registered nurse available for emergencies and consultations;
>
> The telephone number of the fire department, police station, poison prevention center, and ambulance service serving the center;
>
> The name and telephone number of any hospital where children will be taken in emergencies;

The procedures to be followed in case of illness or emergency, including transportation methods and notification of parent;

The procedures to be followed in case of illness or emergency, when parent(s) cannot be reached;

The procedures for using first aid equipment;

The procedures to be followed in the event of fire or other emergency, including provision that cribs utilized for children are of a size to fit through exit doors to the outside.

A plan for dispensing medications including the recording of any administration of prescribed medication;

A plan for the care of mildly ill children at the center;

The procedure for identifying children's allergies and protecting children from exposure to foods, chemicals or other materials to which they are allergic;

The procedure for reporting suspected child abuse or neglect to the Department of Public Welfare.

§402.03 First Aid and Preventative Health Care Procedures.
The licensee shall train all staff in approved emergency first aid procedures, including mouth to mouth resuscitation, treatment of convulsions, and choking.

The licensee shall inform parents of any first aid administered to their child and shall immediately inform them of any injury or illness which required care other than first aid.

727. First Aid Supplies

§402.03 First Aid and Preventative Health Care Procedures.
The licensee shall maintain adequate first aid supplies, including, but not limited to, bandaids, gauze, adhesive tape, hydrogen peroxide or other cleaning solution and an antiseptic cream, liquid or spray. The licensee shall store them in a secure place, out of the reach of children.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§406.02 Meal Schedules.
The licensee shall provide regular, nutritional mid-morning or mid-afternoon snacks for children in care for less than four hours, and shall regularly schedule meals, in addition to snacks, for children in care four hours or longer.

§406.03 Requirements When Parents Send Meals.
The licensee shall provide to parents, in writing, a list of nutritious items which should go into a bag lunch when parents are required to provide meals. The licensee shall have a method for providing a nutritious meal, in accordance with Section 406.04, to a child whose parents fail to send a bag lunch.

§406.04 Nutritional Requirements.
The licensee shall provide for the nutritional needs of children in accordance with the "Food and Nutrition Board, National Academy of Sciences National Research Council, Recommended Dietary Allowances" when the licensee provides meals as follows:

> For children in care between four and nine hours, one-third to one-half of their nutritional needs in one regular meal (other than breakfast) and one or more snacks;

For children in care more than nine hours, two-thirds of their nutritional needs in two meals and two or more snacks.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§406.01 Written Menus.
The licensee shall prepare written menus for each week and shall maintain copies of menu plans for typical weeks if the licensee provides meals. The licensee shall post menus weekly and keep previous menus on file.

§406.07 Designated Person.
The licensee shall designate one person to be responsible for the food program of the center.

§406.08 Requirements for Food Preparation and Service.
The licensee shall store, prepare and serve all food and beverages in a manner as to be clean, wholesome, free from spoilage and safe for human consumption.

The licensee shall provide refrigeration and storage for food at not less than thirty-two (32) degrees fahrenheit, or more than forty-five (45) degrees fahrenheit for food requiring refrigeration.

The licensee shall store all food in clean, covered containers.

The licensee shall properly wash and sanitize all bottles, utensils and dishes.

The licensee shall dispose of milk, formula or food unfinished by a child.

The licensee shall prepare tasteful meals and in a manner which makes them appetizing.

§406.09 Requirements for Feeding of Children.

The licensee shall allow children to eat at a reasonable, leisurely rate and shall insure that each child receives an adequate amount and variety of food.

No child shall be denied a meal for any reason other than written medical direction.

The licensee shall encourage children to eat a well balanced diet, but no child shall be forced or otherwise coerced to eat against his will.

§407.01 Required Barrier to Kitchen.

The licensee shall provide a barrier, such as a door or gate, which prevents children's access to the kitchen while unsupervised.

§407.02 Required Maintenance.

The kitchen shall be maintained in a sanitary condition and garbage receptacles used in the kitchen shall be emptied and cleaned daily.

§408.01 Dining Room or Areas.

The licensee shall maintain dining rooms or areas which are sufficiently large to accommodate tables and seats for persons eating in an uncrowded manner, and shall be clean, well lighted and ventilated.

§408.02 Dining Furniture.

The licensee shall provide tables and seats for use by children while dining which are of a type, size and design appropriate to the ages and needs of the children. When feeding tables or high chairs are used, they shall be designed to prevent children from falling or slipping.

§408.03 Dining Utensils.

The licensee shall provide eating and drinking utensils which are appropriate to the age and needs of the children.

> Eating and drinking utensils shall be free from defects, cracks and chips.
>
> Disposable cups and plates may be used, but if plastic silverware is used, it shall be heavy duty and dishwasher proof.
>
> All reusable eating and drinking utensils shall be thoroughly washed and sanitized before reuse.

900. SOCIAL SERVICES

§410.01 Written Plan.

The licensee shall have a written plan describing procedures for referring parents to appropriate social, mental health and medical services for their child should the center staff feel that such additional services would benefit the child.

§410.02 Record of Referrals.

The licensee shall maintain a written record of any such referral and the results.

§410.03 Termination.

When any child is terminated from the center, initiated by the center or the parent(s), the licensee shall prepare the child for termination from the center in a manner consistent with the child's ability to understand; and shall provide information and referrals for other services to the parents upon the request of parents. The licensee shall inform parents of the availability of information and referral should the parent wish to request it.

1000. PARENT PARTICIPATION

§203.01 Parent Visits.

The licensee shall permit and encourage parents to visit the center and their child's room while their child is present.

§203.02 Parent Input.

The licensee shall have a procedure for allowing parental input in the development of center policy and programs. The licensee shall provide an explanation to the parent(s) when a parent(s) makes suggestions as to the program or policy of a center and the suggestions are not adopted by the licensee. If the parent requests a written response, the licensee shall respond in writing to the parent.

§203.03 Reports to Parents.

The licensee shall, periodically but at least every six (6) months, prepare a written progress report of the participation of each child in the center's program. This report shall be maintained in the child's records. The licensee shall provide a copy of each report to the parent(s) or meet with them at least every six (6) months to discuss their child's activities and participation in the center. In addition:

> For infants under fifteen months of age, the licensee shall complete a written progress report of the child's development every three (3) months, and provide it to the parent(s).

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The licensee shall bring special problems or significant developments, particularly as they regard infants, to the parent's attention as soon as they arise.

§203.04 Parent Conferences.
The licensee shall make the staff available for individual conferences with parents at parental request.

§203.05 Notification to Parents.
The licensee shall notify all parents, in writing, of the provisions in Sections 203.01 through 203.04 at the time of the admission interview.

1100. INFANT AND TODDLERS

1110. PROGRAM OF ACTIVITIES

§301.02 Infants: Staff Ratios and Groupings.
The licensee shall not have infants in groups larger than seven;

The licensee shall have assigned, at all times, one teacher for the first three infants and an additional teacher or teaching assistant for four to seven infants;

At least one of the persons assigned to a group under this section for the care of infants shall meet the requirements for a teacher;

The licensee shall not have groups which mix infants with children two years, nine months or older.

§301.03 Toddlers: Staff Ratios and Groupings.
The licensee shall not have toddlers in groups larger than nine;

The licensee shall have assigned, at all times, one teacher for the first four toddlers and an additional teacher or teaching assistant for five to nine toddlers;

At least one of the persons assigned to a group under this section shall meet the qualifications for a teacher.

§301.04 Toddlers: Staff Ratios in Older Age Mixed Groupings.
When toddlers are in groups with children aged two years, nine months or older, the licensee shall provide:

A staff/child ratio not less than one staff person for each five children;

Groups no larger than nine children;

At least one person assigned to the group, at all times, who meets the qualifications for a teacher.

§301.05 Infants and Toddlers: Staff Ratios in Mixed Groupings.
When infants and toddlers are grouped together, the licensee shall provide:

Groups no larger than nine;

No more than three infants in the mixed group;

One teacher shall be assigned for the first three infants and toddlers, and an additional teacher or teaching assistant for four to nine children;

At least one of the persons assigned under this section shall meet the qualifications for a teacher.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

§406.05 Requirements for Infants and Toddlers.
Infants and toddlers shall be fed according to their individual feeding schedules or needs.

When not mature enough to sit in an eating table or high chair, infants shall be held while fed.

When not mature enough to sit at a table, infants and toddlers shall be fed in high chairs or eating tables.

The licensee shall prepare formulas at the center according to the written plan of each child's parent(s), or if there is no plan, they shall use prepared, pre-sterilized formulas.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

§400.07 Identification of Children With Special Needs and Development of an Individual Program Plan.

Where the results of the meeting conducted pursuant to Section 400.06 and the observation of the child's behavior in the center indicate a reasonable likelihood that a child has a special need, the licensee shall:

> If the child is at least three years of age, inform the parent(s) of his/her rights and at the request of the child's parent(s) refer the child to the appropriate administrator of special education.

If a child is under three years of age or has not been evaluated, evaluate with the consent of the parent(s) the needs of said child and develop an individual program plan based on the evaluation. Such program plan shall be developed by a team which includes those personnel of the center who will be responsible for implementing the program plan on a daily basis; the consulting resource teacher; the child's parent(s); and, where appropriate, any necessary consultant(s).

The plan shall be developed within four (4) weeks of admission of the child to the center or within four (4) weeks of the identification of the child as having special needs. The plan shall be signed by the consulting resource teacher and the parent(s) prior to implementation. If the parent does not approve its implementation, such disapproval will be signed by the parent and placed in the child's record.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

§301.10 Special Needs Children: Staff Ratios and Groupings.
For children with special needs, the licensee shall meet the specifications of the child's individual program plan for the number of staff and group size in which the child participates.

When eight or more children who have been identified, either through the core evaluation process or by the licensee, as having special needs are enrolled in the center, the licensee shall have a consulting resource teacher at least half time. This person's responsibilities shall include, but not be limited to, working directly with individual children, training and supervising teachers, coordinating special therapy sessions, working with parents, and preparation of written reports and records for all special needs children. The consulting resource teacher may delegate these responsibilities to other specialists or staff persons.

When sixteen children who have been identified, either through the core evaluation process or by the licensee, as having special needs are enrolled in the center, the licensee shall have a full-time consulting resource teacher.

The licensee shall, with parental permission, inform the appropriate administrator of special education, in writing, that the licensee is serving a special needs child in order that the school may plan for an appropriate program for the child when he reaches school age.

§400.08 Content of Individual Plan.

The individual program plan required under Section 400.07 shall be in writing. The plan shall identify the specific service(s) required to meet the needs of the child and any change or limitations in his participation in regular center activities. Specific service(s), where appropriate, shall include, but not be limited to:

Physical therapy;
Speech and language therapy;
Psychological services;
Psychiatric services;
Educational services;
Social services;
Occupational therapy.

The plan shall describe the method by which the above services will be provided, including:

Who will provide the service;
Where the service will be provided;
Schedule for provision of the service;
Any special equipment, materials, ramps or aids required by the child.

In addition, the plan shall recommend the size of group to which the child may be assigned and the appropriate staff/child ratio required for such group.

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

§501.01 Indoor Space.

The licensee shall have a minimum of thirty-five (35) square feet of activity space per child, exclusive of hallways, lockers, wash and toilet rooms, isolation rooms, kitchens, closets, offices or areas regularly used for other purposes and shall meet the following requirements:

> There shall be designated space, separate from children's play or rest areas, for administrative duties and staff or parent(s) conferences;
>
> There shall be sufficient space, accessible to children, for each child to store clothing and other personal items.
>
> The interior of the building shall be clean and maintained free from rodents and/or insects. Safe and effective means of eliminating insects and/or rodents shall be provided. All extensive extermination shall be carried out by a licensed exterminator.
>
> The licensee shall provide suitable guards across the inside of windows above the first floor if the windows are accessible to children and across the outside of basement windows abutting outdoor play areas used by children.

§501.02 Special Requirements for Infants.

The licensee shall not care for infants above the first floor. Areas where infants are cared for shall be accessible to ground level for purposes of evacuation.

§501.03 Outdoor Space.

The licensee shall maintain, or have access to, an outdoor play area of at least seventy-five (75) square feet per child using it at any one time. The average width of such a play area shall not be less than eight feet and shall conform to the following requirements:

Some part of the outdoor play area shall be accessible to direct sunlight;

It shall be free from hazards (i.e., hidden corners, unprotected pools, wells, cesspools and steps), poisonous plants (i.e., poison oak or ivy), and dangerous machinery or tools;

It shall be fenced with a non-climbable barrier at least four (4) feet high if any part of the area is adjacent to a highway, on a roof, a porch, or other dangerous area;

It shall not be covered with a dangerously harsh or abrasive material and the ground area under swings, slides, jungle gyms, seesaws, etc. shall not be paved or shall be covered by mats.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§501.01 Indoor Space.

Floors of rooms used by children shall be clean, unslippery, smooth and free from cracks, splinters and sharp or protruding objects and other safety hazards; and those floors in direct contact with the ground shall have flooring impenetrable to water;

Ceilings and walls shall be maintained in good repair, and shall be clean and free from sharp or protruding objects and other safety hazards.

All steam and hot water pipes and radiators shall be protected by permanent screens, guards, insulations or any other suitable device which prevents children from coming in contact with them.

All electrical outlets which are within the reach of children shall be covered with a safety device when not in use.

Room temperature in rooms occupied by children shall be maintained at not less than sixty-five (65) degrees Fahrenheit at zero degrees fahrenheit outside; and at not more than the outside temperature when the outside temperature is above eighty (80) degrees Fahrenheit (measured at two feet from the outside walls and twenty inches above floor level).

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

§502.01 Toilets and Washbasins.
The licensee shall maintain one toilet and washbasin for every twenty (20) children in one or more well ventilated bathrooms.

> When adult toilets and washbasins are used, the licensee shall provide non-tippable stairs to permit access by those children who are able to use them.
>
> In addition to toilets, portable "potty chairs" may be utilized in the bathroom or separate room for children unable to use toilets.

If cloth diapers are used, a flush sink or toilet for rinsing diapers and a hand washing facility must be provided convenient to the diaper changing area.

Special handrails or other aids shall be provided if required by special needs children.

§502.02 Water Temperature.
The licensee shall provide both hot and cold running water in washbasins and for water used by children. There shall be a temperature control to maintain a hot water temperature at no more than one hundred twenty (120) degrees Fahrenheit.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

§500.01 Safety Inspection.
The licensee shall have a certificate of inspection from the Department of Public Safety or the local building inspector.

1540. HEALTH

§500.02 Health Inspection.
The licensee shall provide evidence of inspection from the local health department and compliance with Article X of the State Sanitary Code, if the center provides hot meals for thirteen (13) or more children.

The licensee shall provide evidence that any private well or water source has been inspected and approved by the local board of health, health department, or private laboratory.

§500.03 Lead Paint Requirement and Lead Paint Inspection.
The licensee shall assure that paint used in the center is lead free.

The licensee shall obtain a lead paint inspection from the local board of health, or the state Department of Health, or private lead paint detection service. If lead is found to be present, the licensee shall totally remove or otherwise make inaccessible all paint or plaster containing lead on any chewable surface, four feet from the bottom of interior or exterior surfaces. Such chewable surfaces include, but are not limited to, window sills; windows, including moldings; door frames; doors; stair rail spindles; stair treads from the lip to the riser on bottom and four inches back from the lip on the top of the tread; and porch railings.

The licensee shall, in addition, remove and adequately cover any chipping, flaking or otherwise loose paint or plaster found to contain lead.

1550. SANITATION
See 1540. HEALTH

1560. NEW CONSTRUCTION
Not specified

Except where otherwise noted, all citations are to the Licensing Rules for Child Centers, State of Michigan Department of Social Services, June, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

MICH. COMP. LAW §722.111 Definitions.
"Child care organization" means a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes.

"Child care center" or "day care center" means a facility, other than a private residence, receiving more than 6 preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

R 400.5101 Definitions.

"Center" means a child care center or day care center which is a facility other than a private residence, receiving more than 6 preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

112. Exclusions and Exemptions

R 400.5101 Definitions.

"Center" does not include any of the following:

A Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while the person responsible for the children is attending religious services.

A special education program.

A kindergarten, elementary, or secondary school program operated by a local or intermediate school district. However, this exemption shall not apply to a pre-kindergarten program or to a child care center program for school age children operated by a local or intermediate school district.

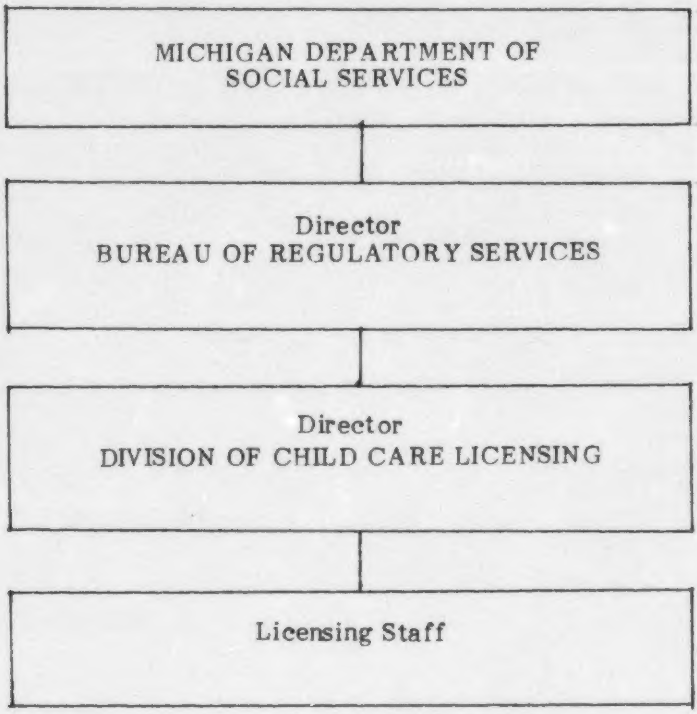
An elementary or secondary school program operated by a nonpublic school. However, this exemption shall not apply to a pre-kindergarten program or a child care center program for school age children operated by a nonpublic school.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


MICHIGAN DEPARTMENT OF SOCIAL SERVICES
Director BUREAU OF REGULATORY SERVICES
Director DIVISION OF CHILD CARE LICENSING
Licensing Staff

Licensing staff housed in the regions perform the day to day monitoring functions under the direct supervision of the state/central office staff. Licenses are issued and revoked at the state/central office level.

122. Responsible Official

All inquiries should be addressed to:

Director - Division of Child Care Licensing
Bureau of Regulatory Services
Michigan Department of Social Services
300 South Capitol Avenue
Lansing, Michigan 48909
(517) 373-8300

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

MICH. COMP. LAW §722.112 Rules; ad hoc committees.

The department of social services, hereinafter referred to as the "department", is responsible for the development or rules for the care and protection of children in organizations covered by this act and for the promulgation of these rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, sections 24.201 to 24.315 of the Michigan Compiled Laws.

212. Advisory Body and Other Community Participation

MICH. COMP. LAW §722.112 Rules; ad hoc committees.

The department shall establish an ad hoc committee for each type of child care organization as defined in this act when it is formulating or amending rules under this act. The committee shall consist of not less than 12 members, and shall include representatives of the following groups and agencies:

Department of public health.

Department of state police, fire marshal division and state fire safety board.

Department of education.

Department of mental health.

Representatives of organizations affected by this act.

Parents of children affected by this act.

220. LICENSING PROCEDURE

221. Application and Issuance

MICH. COMP. LAW §722.113 Inspections; reports; evaluations, final determination as to license; report to licensee; nature of license.

Inspection reports completed by state agencies, local authorities, and child placing agencies, shall be furnished to the department and shall become a part of its evaluation for licensing of organizations covered by this act. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of the issuance, denial, revocation, or provisional nature of licenses issued to nongovernmental organizations. A report of findings shall be furnished to the licensee. A license shall be issued to a specific person or organization at a specific location, shall be nontransferable, and shall remain the property of the department.

722.115 License required; application; investigation; issuance of license.

A person, partnership, firm, corporation, association, or nongovernmental organization shall not establish or maintain a child care organization, unless licensed or registered by the department. Application for a license or certificate of registration shall be made on forms provided, and in the manner prescribed, by the department. Before issuing or renewing a license, the department shall investigate the activities and proposed standards of care of the applicant and shall make an on-site visit of the proposed or established organization. If satisfied as to the need for a child care organization, its financial stability, the good moral character of the applicant, and that the services and facilities are conducive to the welfare of the children, the license shall be issued or renewed.

722.118 Regular license.
A regular license shall be effective for 2 years after the date of issuance unless revoked pursuant to section 11 or modified to a provisional status based on evidence of noncompliance with this act or the rules promulgated under this act. The license shall be reinstated biennally on application and approval.

222. Fee Charged

Not specified

223. Areas of Investigation

MICH. COMP. LAW §722.113 Inspections; reports; evaluations; final determination as to license; report to licensee; nature of license.

The rules promulgated by the department shall be used by the department of public health, the fire marshal division of the department of state police, and local authorities in the inspection of and reporting on child care organizations covered by this act. The inspection of the health and fire safety of child care organizations shall be completed by department staff or by the department of public health, the fire marshal division of the department of state police, local authorities upon request of the department, or pursuant to subsection (2).

If an inspection is not conducted pursuant to subsection (1), a person owning or operating or who proposes to own or operate a child care organization may enter a contract with a local authority or other person qualified to conduct an inspection pursuant to subsection (1) and pay for that inspection after an inspection is completed pursuant to this subsection. A person may receive a provisional license if the proposed child care organization passes the inspection, and the other requirements of this act are met.

MICH. COMP. LAW §722.120 Investigations; examinations; visitations; records; reports.

The department may investigate and examine conditions of a child care organization in which a licensee receives, maintains, or places out children, and may investigate and examine the books and records of the licensee. The licensee shall admit members of the department and furnish all reasonable facilities for thorough examination of its books, records, and reports. The department of public health, the fire marshal division of the department of state police, or local authorities, in carrying out the provision of this act, may visit a child care organization to advise in matters affecting the health or fire protection of children.

224. License Renewal

MICH. COMP. LAW §722.116 Evaluation of local and state government child care organizations; report; state funds.

Local and state government child care organizations similar to those nongovernmental organizations required to be licensed pursuant to this act shall be evaluated and approved at least once every 2 years, using this act and rules promulgated thereunder for similar nongovernmental organizations licensed under this act.

225. Conditional/Provisional Licenses

MICH. COMP. LAW §722.117 Provisional license.

A provisional license shall be issued to a new organization during the first 6 months of operation. At the end of the 6 months of operation, the department shall either issue a regular license or renew or refuse to renew the provisional license as provided in section 11. A provisional license may be issued to a child care organization which is temporarily unable to conform to the rules. A provisional license shall expire 6 months from the date of issuance and may be issued not more than 4 times. The issuance of a provisional license shall be contingent upon the submission to the department of an acceptable plan to overcome the deficiency present in the child care organization within the time limitations of the provisional licensing period.

226. Substantial Compliance

See 225. Conditional/Provisional Licensee

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

MICH. COMP. LAW §722.118 Regular license.

The department shall periodically assess a child care organization's continued compliance with this act and the roles promulgated under this act. The department shall make an on-site evaluation of a child care organization at least once a year.

232. Denial, Suspension, Revocation of a License

MICH. COMP. LAW §722.121 Denying, revoking, refusing to renew, etc.

An ORIGINAL license shall not be granted under this act if the issuance of the license would substantially contribute to an excessive concentration of community residential facilities within a city, village, township, or county of this state.

The department may deny, revoke, or refuse to renew a license or certificate of registration of a child care organization when the licensee, registrant, or applicant falsifies information on the application or willfully and substantially violates this act, the rules promulgated under this act, or the terms of the license or certificate of registration. The department may modify to a provisional status a license of a child care organization when the licensee willfully and substantially violates this act, the rules promulgated under this act, or the terms of the license. A license or a certificate of registration shall not be revoked, a renewal of a license or certificate of registration shall not be refused, an application for a license or a certificate of registration shall not be denied, or a regular license shall not be modified to a provisional status unless the licensee, registrant, or applicant is given notice in writing of the grounds of the proposed revocation, denial, modification or refusal.

233. Remedies and Sanctions

233.1 Hearings

MICH. COMP. LAW §722.121 Denying, revoking, refusing to renew, etc.

If revocation, denial, modification, or refusal is appealed within 30 days after receipt of the notice by writing addressed to the director of the department, the director or a designated representative of the director shall conduct a hearing at which the licensee, registrant, or applicant may present testimony and confront witnesses. Notice of the hearing shall be given to the licensee, registrant, or applicant by personal service or delivery to the proper address by certified mail not less than 2 weeks before the date of the year. The decision of the director shall be made not more than 30 days after the hearing, and forwarded to the protesting party by certified mail not more than 10 days thereafter. If the proposed revocation, denial, modification, or refusal is not protested, the license or certificate of registration may be revoked or the application or the renewal of the license or certificate of registration refused.

233.2 Decisions
See 233.1 Hearings

233.3 Judicial Review

MICH. COMP. LAW §722.122 Appeal.
A person aggrieved by the decision of the director following a hearing may, within 30 days after receipt of the decision, take an appeal to the circuit court for the county in which the person resides by filing with the clerk of the court an affidavit setting forth the substance of the proceedings before the department and the errors of law upon which the person relies, and serving the director of the department with a copy of the affidavit. The circuit court shall have jurisdiction to hear and determine the questions of law involved in the appeal. If the department prevails, the circuit court shall affirm the decision of the department; if the licensee, registrant, or applicant prevails, the circuit court shall set aside the revocation, or order the issuance or renewal of the license or certificate of registration.

722.123 Injunction.
When there is a violation of this act or a rule promulgated thereunder, and the unlawful activity or condition of the child care organization is likely to result in serious harm to the children under care, the department may seek injunctive action against the child care organization in the circuit court through proceedings instituted by the attorney general on behalf of the department.

722.125 Violation; penalty; conviction as ground for revocation of license.

A person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization who violates this act is guilty of a misdemeanor, punishable by a fine of not less than $100.00 nor more than $1,000.00 or imprisonment for not more than 90 days, or both.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

MICH. COMP. LAW §722.120 Investigations; examinations; visitations; records; reports.

A licensee shall keep such records as the department may prescribe regarding each child in its control and care, and shall report to the department, when requested, the facts as the department may require with reference to the children upon forms furnished by the department.

R 400 .5103 Program director.

A program director shall be present full time for programs operating less than 6 continuous hours. In programs operating 6 or more continuous hours, a program director shall be present not less than 6 hours per day when children are present.

R 400.5104 Staff qualifications.

A center shall keep on file verification of the educational qualifications of the program director and the credential qualifications, as applicable.

R 400.5114 Admission and withdrawal criteria; schedule of operation; fee policy.

A center shall provide each parent enrolling a child with a written statement, which shall include the following information:

Criteria for admission and withdrawal.

Schedule of operation, denoting hours, days, and holidays during which the center is open and services are provided.

Fee policy.

R 400.5118 Exemption from rule.

Upon written request of an applicant or licensee, the department may grant an exemption from an administrative rule if there is clear and convincing evidence that the alternative to the rule complies with the intent of the administrative rule from which exemption is sought.

The decision of the department, including the qualification under which the exemption is granted, shall be entered upon the records of the department and a signed copy shall be sent to the applicant or licensee. This exemption may remain in effect for as long as the licensee continues to comply with the intent of the rule or may be time-limited.

312. Telephone

R 400.5115 Telephone service.

A telephone shall be available and accessible in the building during the hours that the center is in operation. Pay telephones shall not be considered as meeting this requirement.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

See 723. Transportation

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

R 400.5111 Child information records and reports.

A center shall have a child information card completed and on file for each child currently enrolled. The department form or a comparable substitute shall be used.

A center shall maintain an accurate record of daily attendance for children enrolled.

A center shall report an accident or illness, occurring while a child is in care, which results in hospitalization or death. This report shall be submitted to the department within 5 days on a form provided by the department.

See also 711. General Health Requirements, and 713. Immunizations.

342. Staff

R 400.5112 Health of personnel; report.

A center shall have on file a report, signed by a licensed physician, for each staff member and each volunteer who has contact with children 4 hours or more per week for more than 2 consecutive weeks. This report shall declare, to the best of the physician's knowledge, the physical capability of the staff member to perform the duties required. The report shall be signed no more than 6 months prior to, or 30 days after, the start of employment and every 2 years thereafter.

A center shall have on file evidence that each staff member and each volunteer who has contact with children 4 hours or more per week for more than 2 consecutive weeks is free from communicable tuberculosis, verified within 3 years before employment and every 3 years thereafter.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

R 400.5105 Number of staff.
A minimum of 2 staff members, 1 of whom is a caregiver, shall be present in the center whenever 7 or more children are present.

The ratio of caregivers to children present in the center at any one time shall be based upon the following:

> For children 2 1/2 to 3 years of age, there shall be 1 caregiver for 10 children or a fraction thereof beyond the first 10, including children who are related to the staff and licensee.
>
> For children 4 to 5 years of age, there shall be 1 caregiver for 12 children or a fraction thereof beyond the first 12, including children who are related to the staff and licensee.

For children 2 1/2 to 5 years of age, there shall be 1 caregiver for 10 children or a fraction thereof beyond the first 10, including children who are related to the staff and licensee.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 342. Staff

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

See 342. Staff

513. Education

Not specified

514. Experience

R 400.5104 Staff qualifications.

All staff shall be of responsible character and suitable to meet the needs of children.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 342. Staff

523. Education

R 400.5104 Staff qualifications.

A program director shall have completed a minimum of 60 semester hours of credit at an accredited college or university and shall have completed not less than 12 semester hours in child development, child psychology, or early childhood education. A person who is currently employed as a program director shall have 2 calendar years from the effective date of these rules to obtain the required 12 semester hours provided the person remains in the employ of the same center; or

A program director shall have been awarded the child development associate credential by the child development associate consortium and shall have completed not less than 12 semester hours in child development, child psychology, or early childhood education at an accredited college or university.

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

R 400.5610 Vehicle operator.

The driver of any vehicle transporting children shall possess the following qualifications:

Valid chauffeur's license with the proper endorsement.

Personal driving record with no more than 6 active points as determined by the department of state.

The driver shall be provided with a list of the children being transported in his or her vehicle and the names and telephone numbers of parents or guardians.

The driver shall be familiar with the contents of the first aid kit.

The driver shall be familiar with the operation of the fire extinguisher.

R 400.5709 Volunteer vehicle operator for field trip transportation.
The volunteer driver shall:

Have a valid driver's license appropriate for the vehicle being driven.
Have not more than 6 active points on his or her driving record.
Have a list of the children being transported in his or her vehicle and the names and telephone numbers of parents or guardians.
Be familiar with the contents of the first aid kit.

Before the field trip begins, the center shall determine that each volunteer driver complies with subrule (1) of this rule.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

R 400.5106 Program.

A center shall provide a program of daily activities and relationships that offers opportunities for the developmental growth of each child in the following areas:

Physical development, including large and small muscle.

Social development, including communication skills.

Emotional development, including positive self-concept.

Intellectual development.

A center shall permit parents to visit the program for the purpose of observing their children during daily activities.

A center operating with children in attendance for 5 or more continuous hours per day shall provide for daily outdoor play, unless prevented by inclement weather conditions.

A center shall provide each child in attendance for 5 or more continuous hours a day with an opportunity to rest.

A child shall not be in care for more than 12 hours a day.

R 400.5503 Nighttime care.

When a child is in care between the hours of 11 p.m. and 6 a.m., the following shall be required:

A separate area away from sleeping children where the child can engage in quiet activities.

A bed and mattress, with a waterproof covering, of a size appropriate to the age of each child.

612. Program Equipment and Materials

R 400.5108 Equipment.

A center shall provide an adequate and varied supply of play equipment, materials, and furniture, which shall be:

Appropriate to the developmental needs and interests of children.

Appropriate to the number of children.

Safe, clean, and in good repair.

Child-size or appropriately adapted for a child's use.

Easily accessible to the children.

Equipment and materials shall provide for:

Large and small muscle activity.

Sensory exploration.

Social interaction and dramatic play.

Discovery and exploration, including structuring and restructuring.

Creative experiences through art, music, and literature.

613. Nap Provision

R 400.5109 Sleeping equipment.

A center shall provide each child enrolled for 5 or more continuous hours with a cot constructed of a fabric or plastic which is easily cleanable and a washable blanket or sheet of appropriate size.

The bedding shall be for the exclusive use of the child between launderings.

The cot and bedding shall be kept clean.

Cots shall be positioned in such a manner that there is a free and direct means of egress.

614. Discipline and Guidance

R 400.5107 Discipline.

Staff shall use positive methods of discipline which encourage self-control, self-direction, self-esteem, and cooperation.

Staff shall be prohibited from using the following as a means of punishment:

Hitting, shaking, biting, pinching, or inflicting a form of corporal punishment.

Restricting a child's movement by binding or tieing him or her.

Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.

Depriving a child of meals, snacks, rest, or necessary toilet use.

Confining a child in an enclosed area, such as a closet, locked room, box, or similar cubicle.

Nonsevere discipline or restraint may be used when reasonably necessary, based on a child's development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of the rule.

A center shall have a written policy regarding the discipline of children. This policy shall be furnished to staff and parents.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

R 400.5113 Emergency medical care; immunization status; statement; medication; health surveillance measures.

At the time of initial attendance, a center shall obtain and keep on file written permission, signed by the parent, to seek emergency medical care, unless the parent objects thereto on the basis of religious grounds.

A center shall obtain and keep on file within 30 days of initial attendance 1 of the following statements:

> A signed statement on the state of the child's health based on an evaluation by a licensed physician or his or her designee made within the preceding 12 months and every 2 years thereafter. Restrictions, if any, on activities shall be stated by a licensed physician.
>
> A written statement from the parent or guardian that the child has completed, or has an appointment to take part in, a health care program which shall include health observations, physical assessments, and screening tests when such a health program is available and has been approved by the department of public health. The result of this health screening program shall be on file in the center following such an assessment and shall be updated every 2 years.

See also 341. Children and 342. Staff

712. Health Assessments

Not specified

713. Immunizations

R 400.5113 Emergency medical care; immunization status; statement; medication; health surveillance measures.

A center shall obtain and keep on file at the time of registration or not later than the first day of initial attendance a certificate of immunization showing a minimum of at least 1 dose of each immunizing agent specified in accordance with section 9211 of Act No. 368 of the Public Acts of 1978, as amended.

When a child has been in attendance for 4 months, the center shall have on file, in addition to the material specified in the subrule above, an updated certificate showing the completion of all additional immunization requirements.

714. Sanitation

R 400.5855 Smoking.
Smoking is prohibited in areas where children are present. If staff members or visitors smoke at a center, a room or lounge shall be provided for that purpose and equipped with noncombustible receptacles for the disposal of smoking materials.

R 400.5901 Food service sanitation.
Facilities, equipment, and procedures used for the preparation, storage, and service of food, whether on or off the premises, shall comply with the applicable provisions of sections 12901 to 12922 of Act No. 368 of the Public Acts of 1978, as amended.

R 400.5920 Water supply.
Sinks, lavatories, drinking fountains, and other water outlets shall be supplied with safe water, sufficient in quantity and pressure to meet conditions of peak demand. Hot water temperatures shall not exceed 120 degrees Fahrenheit at outlets accessible to children.

The water system shall comply with the requirements of the Michigan department of public health. Plumbing shall be designed, constructed, installed, and maintained to prevent cross-connection with the water system.

R400.5930 Sewage disposal.
Sewage and other water-carried waste shall be disposed of through a municipal sewer system when such a system is available. Where a municipal sewer connection is not available, waste shall be discharged into an approved private system. The private system shall comply with local health department requirements.

R 400.5935 Garbage and refuse.
A center shall store garbage in flyproof and watertight containers with tight-fitting covers. A garbage can shall be provided with a waterproof liner or be thoroughly cleaned after each emptying.

A center shall have garbage and refuse removed at intervals of at least once a week so as not to create a menace to health.

R 400.5940 Maintenance of premises.

The premises shall be maintained in a clean and safe condition and shall be free from standing water.

The premises shall be maintained so as to eliminate and prevent rodent and insect harborage.

Roofs, exterior walls, doors, skylights, and windows shall be weathertight and watertight and shall be kept in sound condition and good repair.

Floors, interior walls, and ceilings shall be sound, in good repair, and maintained in a clean condition.

715. Daily Illness Screening

R 400.5113 Emergency medical care; immunization status; statement; medication; health surveillance measures.

Health surveillance measures include the following:

> A center shall be responsible for reporting to the parent observed changes in the child's health or any accidents that may have happened to the child.

716. Care of Sick Children

R 400.5113 Emergency medical care; immunization status; statement; medication; health surveillance measures.

A child too ill to remain in the group shall be placed in a separate area where he or she may be comfortably cared for and supervised until he or she can be taken home or suitably cared for elsewhere. Items and facilities, including cots, bedding, utensils, toys, toilets, and lavatories, used by the ill child shall not be used by another person until those items and facilities have been thoroughly cleaned. The parent shall be contacted when these measures are required.

717. Medication and Special Diet Provisions

R 400.5110 Food services and nutrition.

The center shall assure that a child with special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or a licensed physician.

R 400.5113 Emergency medical care; immunization status; statement; medication; health surveillance measures.

When a center administers medication, the following provisions shall apply:

> Medication, including tranquilizers, sedatives, aspirins, dietary supplements, or individual special medical procedures, shall be given or applied only with prior written permission from the parent. Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication and shall be given in accordance with those instructions.

A caregiver shall maintain a record as to the time and the amount of any medication given or applied.

The medication shall be in the original container, stored according to the instructions, and clearly labeled for the specific child. The caregiver shall keep the medication out of the reach of children, and shall return the medication to the parent or destroy it when no longer needed.

718. Waiver of Health Requirements

MICH. COMP. LAW §722.127 Objection on religious grounds to medical examination, immunization or treatment of child.

Nothing in the rules adopted pursuant to this act shall authorize or require medical examination, immunization, or treatment for any child whose parent objects thereto on religious grounds.

R 400.5113 Emergency medical care; immunization status; statement; medication; health surveillance measures.

A child whose parents object to physical examination or medical treatment on religious grounds may be admitted if the parent provides the center with a signed statement that the child is in good health and that the parent assumes responsibility for the child's state of health while at a center, with the understanding that the parent be notified immediately when anything unforeseen in this regard occurs.

720. SAFETY

721. General Safety Requirements

R 400.5830 Landings, steps, and stairs.
Stairway steps shall not be more than 7 1/2 inches in height and treads shall be not less than 9 1/2 inches in the clear. Landings, at least as wide as the swing of the door, shall be located outside exit doors where steps or stairs are necessary. Landings, steps, and stairs shall be provided with handrails designed and constructed for use by children.

R 400.5835 Multiple occupancy.
Multiple occupancy of a building may qualify for licensure when the entire building does not present a life safety hazard. A center currently licensed in such a building may continue so long as such occupancies do not change in character.

A building, part of which is used for hazardous operations or for occupancy that is unpredictable, such as taverns, garages, repair shops, and industrial operations, shall not be permitted for center use. However, an exception may be made for a vocational education center approved by the department of education.

R 400.5850 Electrical service.
The electrical service shall be maintained in a safe condition. Where conditions indicate the need for inspection, and in new construction, addition, and conversion, the electrical service shall be inspected by a qualified electrical inspecting authority, and a copy of the inspection report shall be submitted to the department. A certificate of approval shall be submitted to the department upon correction of all deficiencies related to electrical installation.

R 400.5905 Location of center; stairs, walkways, ramps, and porches.
A center shall be located on land that provides good natural drainage or that is properly drained.

Porches and walkways that are elevated shall have barriers to prevent falls.

Stairs, walkways, ramps, and porches shall be maintained in a safe condition relative to the accumulation of water, ice, or snow, and shall have nonslip surfacing.

722. Fire Safety Requirements

R 400.5810 Construction.
A new building, the conversion of an existing building, the conversion of a part of an existing building, or an addition to an existing building used for a center shall comply with 1 of the subrules of this rule listed below:

> When child occupancy is limited to the first or main floor, the building shall be of at least wood frame construction.
>
> When child occupancy is on the second floor, the building shall be of protected ordinary construction and all required stairways and vertical openings shall be enclosed with construction equal to the standard partition construction of the building so as to provide a protected means of egress to the outside at grade.

> When child occupancy is above the second floor, the building shall be of 1-hour fire-resistive construction and all required stairways and other vertical openings shall be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress direct to the outside at grade.

When any portion of a basement is used for child occupancy, the center shall comply with 1 of the following:

> The basement shall have 2 enclosed stairways of 1-hour fire-resistant construction that terminate directly to the outside at grade, and all openings in the stairways shall be protected by B labeled fire doors and frame assemblies.
>
> The occupied room or use area shall have an approved exit direct to the outside at grade.

When basement occupancy is limited to not more than 30 children, 1 of the exits shall discharge directly to the outside at grade or through a 1-hour fire-resistive enclosure. The second exit may terminate at the first floor level with an approved floor separation.

All vertical openings and stairways that are not required shall be enclosed with partitions and doors equal in fire resistance to the standard partition construction of the building and shall be so constructed and arranged that effective fire and smoke separations between floors are provided.

Wastebaskets or other waste containers shall be made of a noncombustible material. If the receptacle exceeds 10 gallons' capacity, a tight-fitting, noncombustible lid shall be fitted and used. Combustible liners shall be permitted.

R 400.5825 Hazard areas.

In an existing licensed center, hazard areas shall be separated from the parts of the building used as a center by minimum 3/4-hour fire-resistant construction. All door openings shall be protected by minimum 1 3/4-inch solid core wood doors or equivalent hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

Where a kitchen with commercial cooking equipment exposes a required means of egress or use area, the common wall or walls shall have a minimum 1-hour fire-resistance rating, with a B labeled fire door and frame assembly in the opening.

An incinerator shall be separated from the remainder of the center by construction having a 1-hour fire-resistance rating. Openings between the incinerator room and the remainder of the building shall be protected with a B labeled fire door and frame assembly. In new construction, the incinerator room shall have not less than 1 outside wall containing a window or door opening directly to the outside.

Heating shall be by a central heating plant, or an approved permanently installed electrical heating system. If heating is provided by a central heating plant, it shall be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a 1 3/4-inch solid core wood door or equivalent equipped with an approved self-closing device and positive latching hardware in any interior door opening exposing the enclosure. Air for proper combustion shall be provided directly from the outside through a permanently opened louver. The storage of combustible materials in heating plant room is prohibited.

R 400.5840 Fire alarm.

In any building used as a center, where more than 1 room is occupied by children, an approved fire alarm system shall be established. This system may be either electrical or manual. Commencing 2 calendar years from the effective date of these rules, in centers of more than 4 rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved closed circuit, self-supervised electrical fire alarm system shall be installed.

R 400.5845 Fire extinguishers.

A center shall have multipurpose fire extinguishers, having ratings of not less than 2A-10BC, installed in the kitchen or cooking area and in the heating plant room. The requirement of having additional multipurpose fire extinguishers with ratings of not less than 2A-10BC shall be determined by the fire inspecting authority and shall be based on the capacity of the center and on other conditions in the facility.

R 400.5860 Emergency procedures.

A fire drill program shall be established and implemented to assure prompt evacuation of the building in case of emergency.

R 400.5865 Occurrence of fire; report.

If a fire occurs in a center and results in loss of life or property, it is the responsibility of the center to notify the department of state police, fire marshal division, of all details of the fire. This notification shall occur immediately after occurrence of the fire.

723. Transportation

R 400.5603 All vehicles.

Vehicle seats used by passengers shall not face sideways.

A truck shall not be used to transport children, except in the cab.

There shall be no loose, heavy objects in the passenger area of any vehicle.

Each vehicle shall be inspected annually by the department of state police or by a state police-authorized publicly employed inspector to verify compliance with Michigan vehicle code safety equipment requirements and other safety equipment requirements specified herein, if such inspection services are available. A statement attesting to the vehicle's compliance with the code and other safety requirements shall be kept on file by the center. No vehicle shall be operated for the purpose of transporting children unless it is in compliance with all requirements specified herein.

R 400.5604 Vehicles with a gross vehicle weight of more than 10,000 pounds.

Commencing 2 calendar years from the effective date of these rules, each vehicle in this category that is purchased or leased by a center for the purpose of transporting children shall comply with all minimum safety specifications, except color, identification, and alternating flashing lights, contained in the department of education rules entitled "Safety Specifications for School Buses," being R 340.1201 et seq. of the Michigan Administrative Code.

Centers contracting transportation services from other organizations shall contract services that comply with the standards as stipulated and with the date as established in subrule above.

R 400.5605 Safety equipment in vehicles with a manufacturer's rated seating capacity of 10 or fewer occupants.

Each vehicle in this category shall carry the following safety equipment:

> Three bidirectional emergency reflective triangles. The reflectors shall be properly cased and stored in the truck of the vehicle.
>
> Fire extinguisher of dry-chemical type approved by underwriters' laboratories, inc., rated not less than 2A-10BC. The fire extinguisher shall be kept properly filled and in satisfactory condition at all times. The extinguisher valve shall be aluminum, brass, or bronze.
>
> A first aid kit, which shall contain, at a minimum, bandage compresses (sterile gauze pads), adhesive compresses, a 40-inch triangular bandage, a roll of gauze and an elastic bandage.

R 400.5607 Restraint devices; safety belts.

When transporting children in any vehicle, a child passenger restraint device shall be used for each child who has not achieved 2 of the following:

A weight of 40 pounds.
A height of 40 inches.
The age of 4 years.

Each restraint device shall be properly anchored to the vehicle seat and used according to the manufacturer's specifications.

A child passenger restraint device or a safety belt shall be used for each child who has achieved 2 of the following:

A weight of 40 pounds.
A height of 40 inches.
The age of 4 years.

Each restraint device and each safety belt shall be properly anchored and used according to the manufacturer's specifications.

Each child transported shall remain seated and properly restrained by the passenger restraint device appropriate for his or her age, size, and physical condition while the vehicle is in motion.

The driver of a vehicle and all adult passengers shall be properly restrained by safety belts when the vehicle is in motion.

R 400.5611 Child supervision.

When 2 or more children under the age of 2 1/2 years are in transit, there shall be a staff member or volunteer present in addition to the driver. In addition, there shall be 1 staff member or volunteer to every 4 children or a fraction thereof.

When more than 8 children, 2 1/2 years to 5 years of age, are in transit, there shall be a staff member or volunteer present in addition to the driver. When more than 25 children, 2 1/2 to 5 years of age, are in transit, there shall be 2 staff members or volunteers present in addition to the driver.

When more than 20 children, 6 to 12 years of age, are in transit, there shall be a staff member or volunteer present in addition to the driver.

When children are entering or leaving the vehicle, the following safety precautions shall be taken:

> The accompanying staff member, volunteer, or the driver shall assure that the children are received by a parent or other responsible person as designated by the parent.
>
> Children shall enter and leave the vehicle from the curbside unless the vehicle is in a protected parking area or driveway.
>
> Children shall not be left unattended in a vehicle.
>
> When children under the age of 6 years are entering or leaving the vehicle, the children shall be carried or helped into and out of a vehicle.

R 400.5612 Vehicle insurance.
The owner of a vehicle used for the transportation of children shall maintain both the following:

> The no-fault automobile insurance coverage required by chapter 31, Act No. 218 of the Public Acts of 1956, as amended; and
>
> The residual liability insurance coverage of not less than $100,000.00 bodily injury and $300,000.00 coverage per accident.

R 400.5613 Time limitation on child transit.
For children under the age of 6 years, transportation routes shall be planned so that no child is in the vehicle longer than 1 continuous hour.

R 400.5614 Vehicle records and reports.

A center shall have on file verification of all of the following:

Annual vehicle inspection.

Vehicle insurance.

The chauffeur's license number of each driver.

Compliance by drivers with all requirements set forth in R 400.5610, including a copy of each driver's driving record, obtained from the department of state at least once every 12 months.

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

R 400.5502 Swimming.

When a swimming pool is utilized by children while under the care of a center, it shall be constructed and operated in compliance with Act No. 368 of the Public Acts of 1978, as amended.

A center shall obtain and keep on file written parental permission prior to the participation of a child in a swimming activitiy.

A lifeguard shall be on duty at all times when a swimming pool or swimming area is in use.

There shall be an in-the-water ratio of 1 caregiver to each child under the age of 2 1/2 years.

For nonswimmers over 2 1/2 years of age, there shall be an in-the-water ratio of 1 caregiver to 4 children when the water level is at the child's chest height or lower; when the water level is above the child's chest height, there shall be an in-the-water ratio of 1 caregiver to 1 child.

For swimmers over 2 1/2 years of age, there shall be a ratio of caregivers to children as required by R 400.5105(2). For children 2 1/2 years to 5 years of age, this ratio shall be maintained as an in-the-water ratio.

726. Emergency Procedures

MICH. COMP. LAW §722.124a Consent to medical and surgical treatment of minor child.

If the minor child is placed in a child care organization, then the probate court, the child placing agency, or the department making the placement shall execute a written instrument investing that organization with authority to consent to emergency medical and surgical treatment of the child.

A parent or guardian of a minor child who voluntarily places the child in a child care organization shall execute a written instrument investing that organization with authority to consent to emergency medical and surgical medical care.

R 400.5860 Emergency procedures.
A center shall have written procedures for the evacuation and care of children and staff for fire, tornado, and serious acident or injury.

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

R 400.5110 Food services and nutrition.

Snacks and meals shall be provided by the center, except when 1 of the following circumstances occurs:

A majority of the children are in attendance less than 4 hours.

A written agreement has been signed by a parent and kept on file indicating that the parent is choosing to provide food.

A center has a field trip or a special occasion.

Food served by the center shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the child care food program as administered by the Michigan department of education.

A child shall be served meals and snacks in accordance with the following schedule:

4 hours to 6 hours .... 1 meal and 1 snack.
7 hours to 10 hours ...... 1 meal and 2 snacks, or 2 meals and 1 snack.
11 hours or more .... 2 meals and 2 snacks.

The center shall assure that a child is not deprived of a snack or meal if the child is in attendance at the time when the snack or meal is served.

812. Waiver of Requirements

See 811. Nutritional Requirements

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

R 400.5110 Food services and nutrition.
Menus shall be planned in advance, shall be dated, and shall be posted where they may be seen by parents. Food substitutions shall be noted on the menus.

On field trips, food containing mayonnaise, eggs, milk products, and other ingredients with which the probability of spoilage is high shall not be used.

The center shall assure that a child with special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or a licensed physician.

Sufficient staff shall be provided to carry out food service activities. The staff shall be scheduled so that adequate time is available to prepare and serve food.

A center shall establish and implement a written policy for its nutrition and food service programs. Each parent at the time of enrollment shall receive a copy of this policy statement.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

R 400.5202 Staff.
A minimum of 2 staff members, 1 of whom is a caregiver, shall be present at all times 3 or more children are present.

The ratio of caregiver to children present in the center at any one time shall be at least 1 caregiver for 4 children or a fraction thereof beyond the first 4, including the children who are related to the staff and licensee.

R 400.5203 Primary caregiver.
A center shall arrange its staffing pattern so that each child has a primary caregiver to provide all of the following:

Continuity of 1 relationship.
Continuity of care.
Appropriate social interaction.

R 400.5204 Sleeping equipment; seating for staff.
Children less than 12 months of age shall sleep in cribs or beds with side rails and firm mattresses. Children 12 months of age and older shall sleep in cribs, beds, or cots. Each sleeping device shall have a washable, waterproof covering and appropriate bedding.

A rocking chair or other comfortable, adult-sized seating shall be provided for 1/2 of the caregiving staff on duty.

R 400.5206 Records.
A center shall maintain a continuing record for children up to 12 months of age in the following areas:

Food intake.
Sleeping patterns.
Bowel movements.
Developmental milestones, such as sitting, focusing on objects, and smiling.

1120. HEALTH AND SAFETY REQUIREMENTS

R 400.5207 Health care services
A center shall implement a health care services plan, which has been developed in conjunction with a licensed physician or registered nurse, that includes not less than the following:

Health practices and policies.
Health resources.
Staff training.

R 400.5208 Health reports.

A center shall, within 30 days of initial attendance, keep on file a signed report on the state of the child's health, based on an evaluation by a licensed physician or his or her designee made within the preceding 3 months. Restrictions, if any, shall be certified by the physician. Subsequent evaluations shall be made every 12 months thereafter. In lieu of subsequent medical evaluations, a written report from a periodic screening program, approved by the department of public health at the designated intervals, shall constitute compliance.

R 400.5209 Diapering; toilet training plan.

Diapers shall be disposable or from a commercial diaper service. When a child's health condition necessitates that disposable diapers or diapers from a commercial service cannot be used, an alternative arrangement may be made according to the parent's or a licensed physician's instructions.

Diapering shall be done in the child's own crib or in a designated diapering area.

A diapering area and all supplies and equipment shall be maintained in a safe and sanitary manner.

The hands of a caregiver shall be washed after each diapering using soap and running water.

A washcloth or towel, or both, used in diapering shall not be used subsequently on another part of the body or for any other purpose until laundered.

Toilet training shall be planned cooperatively between the child's primary caregiver and the parent so that the toilet routine established is consistent between the center and the child's home.

Diapers shall be changed when soiled or wet.

1130. INFANT NUTRITION

R 400.5205 Formula; milk; foods.

The requirements of R 400.5110 apply to infant formula, and feeding in addition to the requirements below.

When a center provides formula for the child who is on infant formula, commercially prepared, pre-bottled, ready-to feed formula shall be provided. A center shall keep a list of formulas it offers and the number of calories per ounce that each formula provides.

A formula shall be iron-fortified for a child less than 6 months of age, unless otherwise recommended by the parent or a licensed, physician for the individual child. Iron-fortified cereal, if not already provided the child by 6 months of age, shall be provided when the iron-fortified formula is discontinued, unless otherwise recommended by the parent or a licensed physician for the individual child.

Formula left in a bottle at the end of a feeding shall be discarded with the bottle.

Special formula required for an individual child shall be provided by the center in commercially prepared, pre-bottled, ready-to-feed units, unless provided by the parent as specified in subrule of this rule.

When formula is discontinued, all the following apply:

> A center shall provide and use whole homogenized vitamin D-fortified cow's milk, unless otherwise directed by the parent of a licensed physician.
>
> Milk shall be poured into clean cups or bottles having sanitized nipples. Excess milk left in a bottle or cup shall be discarded.

Nipples shall be thoroughly cleaned and sterilized after each feeding and prior to being used again. This sterilization shall be by boiling the nipples for not less than 5 minutes.

This rule does not preclude a mother from visiting a center in order to breast-feed her child or from sending to the center expressed milk for the child.

A child too young to sit in a highchair or at a feeding table shall be held in a semi-sitting position or placed in an infant seat while being fed.

A child unable to hold his or her bottle shall be held whenever the bottle is given.

Solid foods shall be introduced to the individual child according to the parent's or a licensed physician's instructions.

Commercial baby food containers that are opened, and foods prepared in the center which are stored, shall be covered, dated, and labeled as to the contents and refrigerated. The contents shall be used or discarded within a 36-hour period. A child shall not be fed directly from baby food containers if the contents are to be fed to the child at more than 1 sitting or to more than 1 child.

When a parent chooses to provide formula or food in accordance with R 400.5110(b), the center shall assure that the food, formula, bottles, nipples, and containers comply with the following:

Formula shall be prepared at the child's home and placed in an assembled bottle unit prior to being brought to the center.

Formula, milk and perishable foods needing refrigeration shall be properly refrigerated. Formula shall not be stored longer than 24 hours after opening. Food shall be covered and labeled as to the contents, date of opening, and the specific child for whom its use is intended. Food other than formula shall be used or discarded within a 36-hour period after opening.

Each bottle and nipple supplied by a parent shall be used for a single feeding only and then returned to the parent.

Formula and milk left in a bottle at the end of the feeding shall be discarded.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

R 400.5302 Staff.

The ratio of caregivers to children present in the center shall be based upon the following:

> For children 6 to 12 years of age, there shall be 1 caregiver for 20 children or a fraction thereof beyond the first 20, including children who are related to the staff and licensee.
>
> For children from 13 to 17 years of age, there shall be 1 caregiver for 30 children or a fraction thereof beyond the first 30, including children who are related to the staff and licensee.

When a center exclusively serves school age children the program director may substitute credits in elementary education, physical education, or recreation for any of the 12 semester hours as required in R 400.5104 (523. Education).

R 400.5303 Program.

A center shall provide a program that has opportunities for each child:

To plan, carry out, and evaluate his or her own activities.

To experience a diversity of activities within the center, the center neighborhood, and the total community.

To participate in recreational activities, including sports appropriate to age.

1320. HEALTH AND SAFETY REQUIREMENTS

R400.5304 Fire safety.

When a center exclusively serves school-age children the fire safety provisions as required in R 400.5801 (722. Fire Safety Requirements) shall be exempted if the center uses a public school building which has been approved by the state fire marshal for public school use.

1400. FACILITY REQUIREMENTS

1410. SPACE

R 400.5116 Indoor play space.

A center shall have a minimum of 35 square feet of indoor play space per child, exclusive of all of the following:

Hallways.

Bathrooms.

Reception and office areas.

Kitchens.

Storage areas and cloakrooms.
Areas used exclusively for rest or sleep.

R 400.5117 Outdoor play area.

A center operating with children in attendance for 5 or more continuous hours a day shall have a safe outdoor play area which has not less than 1200 square feet. When this space is not adjacent to a center, parks or other outdoor facilities that are easily accessible by walking or by transportation are acceptable.

Indoor play space.

A center for children between ages of 2 weeks and 2 1/2 years shall have a minimum of 50 square feet of indoor play space per child, exclusive of all of the following:

Hallways.
Bathrooms.
Storage areas and cloakrooms.
Kitchens.
Reception and office areas.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

R 400.5910 Heating.

Heating equipment shall be capable of maintaining a temperature of not less than 68 degrees Fahrenheit at a point 2 feet above the floor.

R 400.5915 Light, ventilation, and screening.

The total ventilation area in every habitable room, as provided by openable windows, shall be not less than 4 1/2% of the floor area, unless central air conditioning is provided.

Artificial light or natural light, or both, shall be capable of providing a minimun illumination of 20 footcandles over the entire room at a height of 3 feet from the floor.

During the fly season, a window used for ventilation shall be supplied with screening of not less than 16 mesh, which shall be kept in good repair.

1430. EXITS

R 400.5820 Exits.

Each occupied floor of a center shall have not less than 2 approved exits directly to the outside at grade, remote from each other. Occupied rooms within the center shall be located between means of egress, unless the occupied room has an approved exit direct to the outside at grade.

Exit doors and all doors in the means of egress shall be side-hinged and shall be equipped with knob-type, nonlocking-against-egress or panic-type hardware.

In a center licensed for 13 or more children, doors shall swing in the direction of egress.

The requirement of the previous subrule shall not apply to rooms having a normal occupancy of 12 or fewer children.

Means of egress shall be maintained in an unobstructed, easily traveled condition at all times that the center is in operation. Means of egress shall not be exposed to inherent hazards of the building, including heating plant, flammable storage, commercial kitchen, or other similar conditions.

In new construction, an exit door shall be not less than 36 inches in width.

In existing licensed centers, exit doors may be approved if acceptable to the inspecting authority, but shall be not less than 28 inches in width.

Exterior exits shall be marked or denoted by an exit sign. All exit signs shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs. Each exit sign shall have the word "exit" in plain, legible letters not less than 6 inches high on a background of contrasting color with strokes not less than 3/4-inch wide.

See also 722. Fire Safety Requirements

1440. TOILETS AND LAVATORIES

R400.5925 Toilets and washbasins.
A center shall provide at least 1 toilet and 1 washbasin for every 20 children or fraction thereof beyond the first 20, except that a center operating with children in attendance for 5 or more continuous hours a day shall have 1 toilet and 1 washbasin for every 15 children or fraction thereof.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

See 223. Areas of Investigation

1530. BUILDING

Not specified

1540. HEALTH

See 223. Areas of Investigation

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Minnesota Department of Public Welfare, Standards for Group-Day-Care of Preschool and School-Age Children, December, 1973 (revised December, 1977). Minnesota's day care licensing regulations are presented in a requirement/satisfactory compliance format. Requirements are presented in all capitals, and satisfactory compliance activities are presented in initial capitals.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

I Definitions.

Drop-In Care - There are two types of drop-in care:

> Combined Program. The acceptance of additional children into a licensed child care program on an irregular basis (not more than one-fifth of the center's week) but not to exceed the facility's licensed capacity during any part of the day. The percentage of drop-in children shall not exceed ten percent of the total attendance.
>
> Total Drop-In Program. Center whose total licensed capacity is based primarily on children who attend on an irregular basis.

Group-Day-Care Center - Any program that, for compensation or otherwise, provides day or night care for six or more children at one time. The term includes, but is not limited to, programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school-age children, after-school programs, infant day care centers, cooperative day care centers, and Head Start programs.

Parent Cooperative - A nonprofit group-child-care program that is governed by a board of at least 70 percent parent-users of the group-child-care program. The board must meet at least every six weeks, and minutes of these board meetings shall be available for inspection by a representative of the Department. This board shall make all continuing operational decisions about staff, program, budget, and organization structure.

MINN. STAT. ANN. §245.782 Definitions.
"Day care facility" means any facility, public or private, which for gain or otherwise regularly provides one or more person with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services.

112. Exclusions and Exemptions

MINN. STAT. ANN §245.791 Exclusions.
Sections 245.781 to 245.813 shall not apply to:

> Day care or residential care provided by a relative to related persons;
>
> Day care or residential care provided for a cumulative total of less than 30 days in any 12 month period;
>
> Day care provided for persons from a single unrelated family for any length of time;
>
> A home caring for a person placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years after placement;

A licensed hospital whose psychiatric or chemical dependency program is located within the hospital;

A nursing home, hospital, or boarding care home, licensed by the state commissioner of health, except that an identifiable unit of such a facility which regularly provides care for more than five handicapped persons must be licensed under sections 245.781 to 245.813;

A day care or residential facility serving fewer than five physically or mentally handicapped adults;

A day care or residential program serving any number of nonhandicapped adults;

A sheltered workshop day program, certified by the state board of education;

A work activity day program, certified by the state board of education;

A work-wage home providing care for one nonrelated child who has reached his sixteenth birthday and who has been independently placed for purposes of education or employment;

A school under the general supervision of the commissioner of education or a local education agency;

A residential or day care facility under the direct control and supervision of a local education agency or a state agency other than the commissioner;

Day care provided for periods of no more than three hours per day for any person while his relatives are in the same building, or can be present in the same building within 30 minutes;

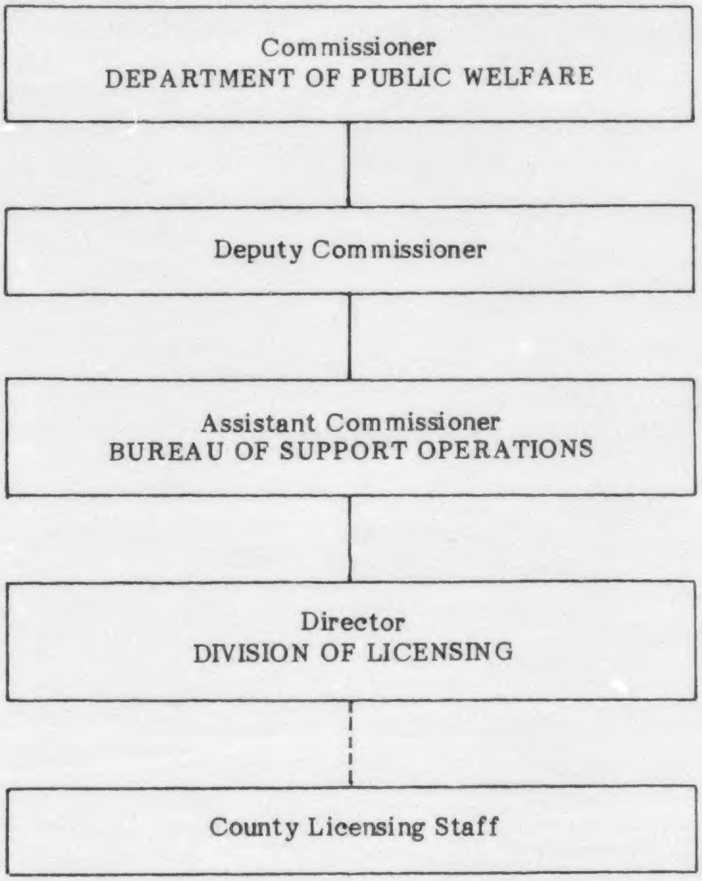
Facilities which in the judgment of the commissioner of education are operated for the primary purpose of educating children shall be exempt from these rules and regulations except insofar as the regulations affect the health and safety of the children therein. The classrooms shall meet the applicable standards of the commissioner of public safety and state commissioner of health.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Commissioner
DEPARTMENT OF PUBLIC WELFARE
Deputy Commissioner
Assistant Commissioner
BUREAU OF SUPPORT OPERATIONS
Director
DIVISION OF LICENSING
County Licensing Staff

In Minnesota, the state supervises licensing which is county administered. The state has delegated all licensing functions for family and group day care homes to the counties. The state central office monitors and provides consultation to the county staff for this function. The state central office has direct line authority for the staff involved in licensing day care centers.

122. Responsible Official

All inquiries should be addressed to:

Director, Division of Licensing
Bureau of Support Services
Department of Public Welfare
Centennial Office Building, Fourth Floor
St. Paul, Minnesota 55155
(612) 296-2539

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

MINN. STAT. ANN. §245.802 Rules; Regulations.
The commissioner shall develop and promulgate rules and regulations pursuant to chapter 15 for the operation and maintenance of day care and residential facilities and agencies, and for granting, suspending, revoking, and making licenses probationary. In developing rules and regulations, he shall consult with:

> Other appropriate state agencies including, but not limited to, the state commissioner of health, the state board of education, and the fire marshal. Any agency consulted is directed to cooperate with and assist the commissioner in developing appropriate rules and regulations for the licensing of day care and residential facilities and agencies;

Persons and the relatives of the persons who use the service;

Advocacy groups;

Representatives of those who operate day care or residential facilities or agencies;

Experts in relevant professional fields.

Rules promulgated under this section establishing the maximum number of children permitted to reside in group foster homes shall require that children in the group foster parents' natural family be counted in the number of children actually residing in the group foster home, and the application of the rules providing the maximum number and manner of counting residents shall not be waived.

The commissioner shall conduct a comprehensive review of the rules and regulations promulgated under Laws 1976, Chapter 243, Section 2 to 14 at least once every five years.

212. Advisory Body and Other Community Participation

See 211. Promulgation of Regulations

220. LICENSING PROCEDURE

221. Application and Issuance

II Licensing Laws and Procedures.

APPLICATION FOR LICENSE SHALL BE MADE ON THE FORM ISSUED BY THE STATE DEPARTMENT OF PUBLIC WELFARE. APPLICATION MAY BE OBTAINED FROM THE DEPARTMENT. APPLICATION FOR LICENSE IS NOT COMPLETE UNTIL ALL SUPPORTING DOCUMENTS HAVE BEEN RECEIVED BY THE DEPARTMENT.

APPLICANTS FOR LICENSURE SHALL MAKE CONTACT WITH THE DEPARTMENT TO SCHEDULE PRE-LICENSING CONSULTATION.

AFTER APPLICATION FOR A LICENSE HAS BEEN APPROVED BY THE COMMISSIONER, A LICENSE SHALL BE ISSUED GIVING PERMISSION FOR OPERATION. THE LICENSE SHALL BE ISSUED WITHIN 90 DAYS AFTER RECEIPT OF THE APPLICATION AND ALL SUPPORTING DOCUMENTS. FAILURE TO ISSUE A LICENSE WITHIN 90 DAYS SHALL CONSTITUTE DENIAL OF APPLICATION. THE LICENSE SHALL STATE THE DATES OF VALIDITY, THE MAXIMUM NUMBER OF CHILDREN TO BE PRESENT IN THE PROGRAM AT ANY ONE TIME, THEIR AGES, AND THE HOURS OF OPERATION. THE LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES.

THE TERMS OF THE REGULAR LICENSE ARE:

> THE LICENSE IS ISSUED FOR UP TO TWO YEARS AND IS NOT TRANSFERABLE TO ANOTHER OPERATOR OR SITE.
>
> THE LICENSE IS ISSUED AFTER THE CENTER HAS OPERATED UNDER A PROVISIONAL LICENSE FOR A DESIGNATED PERIOD.

ANY CHANGES IN THE TERMS OF THE LICENSE MUST RECEIVE PRIOR APPROVAL FROM THE DEPARTMENT.

THE LICENSE SHALL PRESCRIBE THE NUMBER AND AGES OF CHILDREN TO BE CARED FOR AND THE HOURS AND DAYS OF OPERATION.

EVERY APPLICANT FOR A LICENSE SHALL BE FURNISHED WITH A COPY OF THESE RULES AND REGULATIONS.

SEPARATE LICENSES SHALL BE REQUIRED FOR PROGRAMS MAINTAINED ON SEPARATE PREMISES EVEN WHEN OPERATED UNDER THE SAME AUSPICES. A SEPARATE LICENSE SHALL NOT BE REQUIRED FOR SEPARATE PROGRAMS OPERATED ON THE SAME PREMISES UNDER THE SAME AUSPICES.

MINN. STAT. ANN. §245.783 Applications; Inspection.

No individual, corporation, partnership, voluntary association, or other organization may operate a day care or residential facility or agency unless licensed to do so by the commissioner. No unlicensed individual or agency shall receive a child for care or placement, place a child in foster care, assist with plans for his placement in foster care, or solicit money in behalf of the agency. Application for license and renewal of license shall be made on forms supplied by the commissioner and in the manner he prescribes. The commissioner shall offer consultation, assistance and information to all applicants for licensure under Laws 1976, Chapter 243. This shall include information regarding regulations and requirements of other state agencies and departments which affect the applicant, and shall assist applicants and operators to meet and maintain requirements for licensure.

222. Fee Charged

MINN. STAT. ANN. §245.811 Fees.

The commissioner may charge a reasonable fee for the issuance or renewal of a license except that no fee may be charged to a day care or residential facility for the mentally retarded. In no event shall the fee exceed $150. Fees may be waived at the discretion of the commissioner.

223. Areas of Investigation

MINN. STAT. ANN. §245.783 Applications; Inspection.

The commissioner shall be responsible for processing applications for licensure made under Laws 1976, Chapter 243. State agencies and departments including, but not limited to, the state fire marshal, state building code, state commissioner of health and state planning agency, which are involved in the investigation and review of a facility or an applicant's qualifications shall direct their employees to report directly to the commissioner on these matters and shall be subject to the rules promulgated by the commissioner with respect to the coordination of licensing and inspection functions. This subdivision relates only to other state departments or agencies and confers no additional powers or duties upon the commissioner respecting federal, county, municipal, or other nonstate agencies. Nothing in this subdivision shall prevent the state fire marshal from delegating inspection duties to local units of government.

Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. If the commissioner is satisfied that the provisions of Laws 1976, Chapter 243 and the applicable rules and regulations promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws, rules and regulations cannot be met immediately, but can and will be met within one year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license shall be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant.

224. License Renewal

II Licensing Laws and Procedures.
THE LICENSEE MUST REAPPLY FOR A RENEWAL LICENSE. THE DEPARTMENT SHALL MAIL PROPER NOTICE OF LICENSE EXPIRATION AND LICENSE RENEWAL FORMS NO LESS THAN 60 DAYS PRIOR TO EXPIRATION OF THE LICENSE. THE DEPARTMENT SHALL MAKE ARRANGEMENTS FOR THE RELICENSING VISIT TO DETERMINE WHETHER THE DEPARTMENT STANDARDS CONTINUE TO BE MET.

225. Conditional/Provisional Licenses

II Licensing Laws and Procedures.
A PROVISIONAL LICENSE SHALL BE ISSUED TO ALL NEW GROUP-DAY-CARE CENTERS FOR A DESIGNATED PERIOD. A PROVISIONAL LICENSE MAY BE GRANTED FOR UP TO ONE YEAR TO A NEW GROUP-DAY-CARE CENTER THAT MEETS NECESSARY HEALTH AND SAFETY REQUIREMENTS BUT DOES NOT MEET ALL REQUIREMENTS FOR LICENSURE.

Satisfactory Compliance:
The health, nutrition, and safety requirements of Section V must be met, except as noted.

The license is issued for a period of up to one year and shall not be renewed after one year.

A plan for full compliance with standards must accompany the application for licensure.

Written notification of the granting of a provisional license by the Department must be made to the child care operator specifying the reason, duration, and conditions for continuing and/or terminating the provisional license. This will include the plan that is required for full compliance.

226. Substantial Compliance

II Licensing Laws and Procedures.
REGULATIONS MAY BE WAIVED, WITH THE APPROVAL OF THE DEPARTMENT, ACCORDING TO THE PROCEDURE ESTABLISHED FOR SUCH WAIVER. WAIVER MAY BE GRANTED ONLY IF THE HEALTH AND SAFETY OF THE CHILDREN ARE ENSURED.

Satisfactory Compliance:
A complete examination of the reasons and purposes of the waiver must be submitted to the State Agency at the time of application for licensure.

Waivers can be granted only in writing and only by the Department and must be signed prior to the beginning of program operation.

The granting of a waiver shall not constitute a precedent.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

II Licensing Laws and Procedures.
PURSUANT TO MINNESOTA STATUTES, SECTION 257.012, THE DEPARTMENT IS GIVEN THE RIGHT OF ENTRANCE AND PRIVILEGE TO INSPECT CENTERS DURING HOURS OF OPERATION TO DETERMINE WHETHER STANDARDS ARE BEING MET. THE CENTER DIRECTOR OR REPRESENTATIVE SHALL BE PRESENT WHEN THE DEPARTMENT MAKES A REGULAR LICENSING VISIT.

MINN. STAT. ANN. §245.804 Inspection.
In exercising the powers of licensing, renewing, suspending, revoking, or making licenses probationary, the commissioner shall study and evaluate operators and applicants for a license. To carry out these duties

the commissioner shall employ qualified personnel who, insofar as possible, are knowledgeable about the operation of the types and characters of facilities and agencies to be inspected. Authorized representatives of the commissioner may visit a day care or residential facility or agency at any time during the hours of operation for purposes of the study and inspection. In conducting evaluations and inspections, the commissioner may call upon and receive appropriate assistance from other governmental agencies within their authorized fields. Inspections may be made without prior notice to the applicant or operator.

The operator or applicant shall cooperate with the evaluation and inspection by providing access to its facilities, records, and staff. Failure to comply with the reasonable requests of the commissioner in connection with the study and inspection is cause for revocation of license or for a denial of application. The study and inspection may involve consideration of any facts, conditions, or circumstances relative to the operation of the day care or residential facility or agency, including data on previous operation of a facility or service, references, and other information about the character and qualifications of the personnel of the facility or agency.

232. Denial, Suspension, Revocation of a License

II Licensing Laws and Procedures.
ANY APPLICANT OR LICENSEE WHOSE LICENSE IS DENIED, REVOKED, OR NOT RENEWED MAY APPEAL TO THE COMMISSIONER IN ACCORDANCE WITH MINNESOTA STATUTES 1969, CHAPTER 15. THE DEPARTMENT SHALL NOTIFY BY CERTIFIED MAIL ANY FACILITY WHOSE LICENSE IS DENIED, REVOKED, OR NOT RENEWED. THE GROUNDS FOR THE DEPARTMENT'S ACTION AND PROCEDURES FOR PERFECTING SUCH APPEAL SHALL BE STATED. THE LICENSE MUST BE RETURNED TO THE DEPARTMENT, AND ALL ADVERTISING FOR THE CENTER MUST CEASE.

MINN. STAT. ANN. §245.801 Revocation of License; Denial.

An applicant who has been denied a license by the department shall be given prompt written notice thereof, by certified mail to the address shown in the application. The notice shall contain a statement of the reasons for the denial and shall inform the applicant of his right to appeal the decision to the commissioner. Written notice of appeal must be mailed within 20 days after receipt of the notice of denial. Upon receiving a timely written appeal, the commissioner shall give the applicant reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner of whether the applicant shall be denied or granted either a license or a provisional license. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be sent to the applicant by certified mail, and shall inform the applicant of his rights under chapter 15.

Failure of the commissioner to approve or deny an application within 90 days of receipt of a completed application shall be deemed to be an approval of license.

The commissioner may suspend, revoke, or make probationary a license if an operator fails to comply with applicable laws or the rules and regulations of the commissioner.

An operator whose license the commissioner proposes to suspend, revoke, or make probationary shall be given notice by certified mail addressed to the location shown on the license. The notice shall contain a statement of, and the reasons for, proposed action and shall inform the operator of his right to appeal the decision to the commissioner, in writing, within ten days after receipt of the notice of the proposed action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner as to whether the license shall be suspended, revoked, or made probationary. However, if the commissioner finds that the health, safety or rights of the persons served by the facility or agency are in imminent danger, he shall order the immediate suspension of the license. The operator shall be given written notice of the order by personal service. The notice shall contain a statement of the reasons for the suspension and shall inform the operator of his right to petition the commissioner for reconsideration of the order. The petition shall be in writing and shall be made within five days after the personal service of the order. Upon receiving a timely written petition, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the order of suspension of the license. The hearing examiner shall make a recommendation to the commissioner as to whether the order of suspension should be affirmed or reversed. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 15.

At any hearing provided for by Laws 1976, Chapter 243, the applicant or operator may be represented by counsel and has the right to call, examine, and cross-examine witnesses. The hearing examiner is empowered to require the presence of witnesses and evidence by subpoena on the behalf of any party. Each decision of a hearing examiner shall be in writing, shall contain findings of fact and conclusions, and shall be mailed to the parties by certified mail to their last known addresses as shown in the application.

An operator whose license has been revoked or not renewed because of noncompliance with applicable laws, or rules and regulations may not be granted a new license for five years following the revocation or denial of renewal.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, and Revocation

233.2 Decisions

See 232. Denial, Suspension, and Revocation

233.3 Judicial Review

II Licensing Laws and Procedures.

STATE LAW PROVIDES THAT EVERY PERSON WHO OPERATES A FACILITY REQUIRED TO BE LICENSED PURSUANT TO MINNESOTA STATUTES, SECTION 257.081 THROUGH 257.111, WITHOUT A LICENSE, OR WHO VIOLATES ANY PROVISON OF THOSE SECTIONS, SHALL BE GUILTY OF A MISDEMEANOR. ANY PERSON WHO OFFERS OR ADVERTISES A FACILITY REQUIRED TO BE LICENSED PURSUANT TO MINNESOTA STATUTES, SECTION 257.081 THROUGH 257.111, PRIOR TO OBTAINING SUCH A LICENSE, EXCEPT FOR THE PURPOSE OF PRE-ENROLLING STAFF AND/OR CHILDREN, OR WHO OFFERS OR ADVERTISES ANY FACILITY IN VIOLATION OF ANY PROVISION OF MINNESOTA STATUTES, SECTION 257.081 THROUGH 257.111, SHALL BE GUILTY OF A MISDEMEANOR.

MINN. STAT. ANN. §245.803 Violations; Penalties.

The operation of a day care or residential facility or agency required to be licensed under Laws 19767, Chapter 243, Sections 2 to 14 without a license is a misdemeanor punishable by a fine of not more than $300. The commissioner may seek an injunction in the district court against the continuing operation of a day care or residential facility or agency:

> If the facility or agency is in violation of Laws 1976, Chapter 243, Sections 2 to 14 or of the rules and regulations promulgated by the commissioner and the operator has failed to correct the violation within 30 days of receipt of a written order to do so; or

If an operator has willfully failed to apply for a license or renewal of license.

Proceedings for securing injunctions may be brought by the attorney general, or by the appropriate county attorney.

Any individual who advertises a facility required to be licensed pursuant to Laws 1976, Chapter 243, Sections 2 to 14 prior to obtaining a license is guilty of a misdemeanor.

The sanctions provided in Laws 1976, Chapter 243, Sections 2 to 14 are cumulative, and shall not be construed as restricting any sanctions otherwise available.

MINN. STAT. ANN. §245.805 Fines.

Whenever the commissioner finds, upon inspection of a facility, that the operator is not in compliance with an applicable law or rule or regulation, a correction order shall be issued to the operator. The correction order shall state the deficiency and deficiencies, cite the specific law or regulations violated, and specify the time allowed for correction.

If, upon reinspection, it is found that the operator has not corrected the deficiency or deficiencies specified in the correction order, the operator may be required to forfeit to the state within 15 days a sum of up to $250 for each deficiency not corrected. A forfeiture order may be appealed in accordance with the procedures set forth in section 245.801. All forfeitures shall be paid into the general fund. Any unpaid forfeitures may be recovered by the attorney general.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

II Licensing Laws and Procedures.
WHEN THE GROUP-DAY-CARE CENTER DECIDES TO TERMINATE ITS SERVICE, NOTICE OF THE CLOSING MUST BE SENT TO THE DEPARTMENT AND THE LICENSE MUST BE RETURNED.

THE NAME "SCHOOL" MAY BE USED ONLY BY PROGRAMS HAVING A MINIMUM OF ONE TEACHER CERTIFIED BY THE MINNESOTA STATE DEPARTMENT OF EDUCATION. ONE CERTIFIED NURSERY SCHOOL TEACHER MUST BE PRESENT DURING THE MAJOR PART OF THE PROGRAM FOR EVERY 20 CHILDREN.

V Health, Nutrition, and Safety.
THE DIRECTOR OF EACH PROGRAM SHALL BE RESPONSIBLE FOR OBSERVATION OF HEALTH AND DEVELOPMENT OF CHILDREN, HANDLING ILLNESS AT THE CENTER, ACCIDENT PREVENTION AND EMERGENCY PROCEDURES, KEEPING HEALTH RECORDS COMPLETE, AND INFORMING PARENTS ABOUT COMMUNITY RESOURCES.

Satisfactory Compliance:
The director may perform the specified activities, or he may delegate these duties to another paid staff member.

The person responsible for health shall demonstrate skill in record-keeping, communication of health policies, and referral to community resources within one year after licensure.

VII Staff.

THE DIRECTOR SHALL MAKE ARRANGEMENTS IN ADVANCE FOR SUBSTITUTE STAFF.

Organization and Administration:

A GROUP-DAY-CARE PROGRAM SHALL HAVE WRITTEN POLICIES AVAILABLE FOR INSPECTION BY THE DEPARTMENT. THESE POLICIES SHALL BE MADE AVAILABLE TO PARENTS AND STAFF MEMBERS.

Satisfactory Compliance:

There shall be written policies covering the following areas:

The type of program offered to children and their parents.
The ages and numbers of children in each age group to be served.
Hours of operation.
Days of operation.
Meals and snacks to be served.
Provisions that can be made for special needs of individual children.
Admission requirements and enrollment procedures.
Affirmative action plan.
Plan for parent information.
Plan for substitute staff.
Insurance coverage.
Procedures for the handling of sick children.
Provisions for illness and emergency care.
Accident prevention procedures.
Requirements about personal belongings brought to the center.
Transportation arrangements.
Permission for trips.
Personnel policies.
Fees and the plan for payment.

VIII Organization and Administration.

LEGAL RESPONSIBILITY AND ADMINISTRATIVE AUTHROITY MUST BE CLEARLY DEFINED FOR EVERY GROUP-DAY FACILITY.

Satisfactory Compliance:

The name, address, and telephone number of the individual or governing body legally responsible for the center shall be supplied to the licensing agent.

The legally responsible individual or group shall be held accountable for:

Determining and implementing policies.

The performance of the director of the program.

Adequate financing to carry out the planned program.

The adherence to all rules and regulations that affect the program and the facility.

Reporting any suspected instances of child abuse or neglect.

WITHIN 48 HOURS AFTER THE OCCURRENCE OF AN UNUSUAL ACCIDENT, SUCH AS THE DEATH OR SERIOUS INJURY OF A CHILD, A REPORT SHALL BE SUBMITTED TO THE DEPARTMENT. A SERIOUS INJURY SHALL BE DEFINED AS ONE THAT REQUIRES THE HOSPITALIZATION OF THE CHILD. A REPORT SHALL ALSO BE SUBMITTED FOLLOWING THE OCCURRENCE OF A FIRE THAT REQUIRES THE SERVICES OF THE FIRE DEPARTMENT.

A GROUP-DAY-CARE PROGRAM MUST ESTABLISH AND MAINTAIN REQUIRED RECORDS. ALL PERSONAL RECORDS MUST BE KEPT CONFIDENTIAL.

Satisfactory Compliance:

The following shall be made available to the licensing agent:

Daily attendance records for children.

Current staff records containing, as a minimum, identifying and emergency information, health clearances, education, experience, and current training, and terms of employment.

List of all current staff members.

List of available substitute staff.

Staffing pattern showing staff-to-child ratios during hours of operation.

312. Telephone

V Health, Nutrition, and Safety.

EVERY FACILITY MUST HAVE A NON-COIN OPERATED PHONE THAT IS READILY ACCESSIBLE.

A LIST OF EMERGENCY NUMBERS SHALL BE PROMINENTLY POSTED BY THE TELEPHONE: POLICE, FIRE, DOCTOR, AMBULANCE, HOSPITAL.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

VIII Organization and Administration.

GROUP-DAY-CARE CENTERS SHALL PROVIDE INSURANCE COVERAGE.

Satisfactory Compliance:

A certificate of insurance shall be obtained showing the following:

General liability coverage for bodily injury ($100,00 per person; $300,000 per suit).

Automobile insurance, where transportation is provided by the center, including secondary coverage on automobile owned by staff member and used to transport children ($100,000 per person; $300,000 per suit).

Workmen's Compensation and Unemployment Insurance.

320. PERSONNEL

321. Publication of Personnel Policies

VII Staff.

EACH CENTER WITH MORE THAN ONE STAFF MEMBER MUST SET PERSONNEL POLICIES RELATING TO HEALTH, WORKING CONDITIONS, IN-SERVICE TRAINING, PROBATION PERIOD, EVALUATION, SICK LEAVE, VACATION, BENEFITS, AND SALARY INCREMENTS. POLICIES SHALL COMPLY WITH APPROPRIATE STATE AND FEDERAL LAWS.

Satisfactory Compliance:

Each center with more than one staff member must have a written statement of personnel policies. This statement shall include:

Policies in accordance with Fair-Employment laws and regulations.
Job description for all staff.
Description of probation period and method of staff evaluation.
A clearly defined in-service training program.
Policies on hiring, firing, promotions, and salary increments.

322. Constraints Against Employment

VII Staff.

ALL PERSONNEL IN REGULAR CONTACT WITH CHILDREN, INCLUDING VOLUNTEERS AND DRIVERS, SHALL BE PHYSICALLY, MENTALLY, AND EMOTIONALLY COMPETENT TO CARE FOR CHILDREN AND FREE FROM SERIOUS COMMUNICABLE DISEASE.

Satisfactory Compliance:

No person shall be hired or retained as a staff member, paid or volunteer, who has:

> Been convicted of or admitted to or been the subject of substantial evidence of an act of child battering, child abuse, or child molesting.
>
> Used alcohol or drugs such that its effects are apparent during working hours that children are in care, or
>
> Been convicted for or admitted to any felony or any offense involving moral turpitude.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

II Licensing Laws and procedures.

NO PROGRAM MAY DISCRIMINATE IN ADMISSIONS OR DEMISSIONS ON THE BASIS OF RACE, SEX, RELIGION, CREED, COLOR, NATIONAL ORIGIN, OR SOURCE OF PAYMENT. IN EMPLOYMENT OF STAFF, NO PROGRAM MAY DISCRIMINATE ON THE BASIS OF RACE, CREED, COLOR, NATIONAL ORIGIN, RELIGION, OR SEX. NO PROGRAM MAY DISCRIMINATE ON THE BASIS OF PHYSICAL AND/OR MENTAL HANDICAP WHEN THE HANDICAP DOES NOT PREVENT FULFILLMENT OF NORMAL JOB RESPONSIBILITIES.

Satisfactory Compliance:

When applying for licensure, every center shall submit:

A signed statement about non-discriminatory admissions hiring policy.

An implementable affirmative action plan designed to recruit minority children and staff where such minority groups are a part of the community.

No otherwise eligible child can be excluded on the basis of the specified characteristics, except:

A program established to serve low-income children may give first priority to children of this group only but shall not discriminate within this group.

A program established to serve children of a particular religious faith may serve those children only but may not discriminate within the group. The program may not discriminate against children from other religious groups when a portion of their fund is derived from public sources.

Employment practices shall be based on bona fide occupational qualifications. Employers shall not discriminate on the specified characteristics by:

Refusing to hire a qualified applicant,

Discharging a qualified employee,

Maintaining a system of employment that unreasonably excludes an applicant, or

Establishing differences in tenure, compensation, terms of employment, upgrading, conditions of work, facilities, or privileges of employment.

340. RECORDS REQUIREMENTS

341. Children

V Health, Nutrition, and Safety.
THE CENTER MUST REQUIRE A HEALTH STATEMENT SIGNED BY EACH CHILD'S SOURCE OF MEDICAL CARE. THE CENTER MAY REQUEST THAT A CHILD HAVE A NEW PHYSICAL EXAMINATION.

Satisfactory Compliance:
The center shall have on file the name and address of each child's source of regular health supervision and a Health Care Summary for each child.

If a child's Health Care Summary is not complete at the time of enrollment or within 30 days after enrollment, the child shall be excluded from the program.

If a child's immunizations are not up-to-date at the time of enrollment, evidence of a plan to get them up-to-date must be on file at the center within 30 days after receipt of the child's Health Care Summary, or the child shall be excluded from the program.

If a tuberculin skin test or X-ray is positive, evidence of satisfactory treatment or follow-up must be recorded.

If parents of a child object to medical examination or treatment on grounds of their religious beliefs, the child's record shall contain a Health Care Summary completed by the parents and a statement signed by the parents indicating their objections to medical examinations and treatments on grounds of religious beliefs.

342. Staff

See 311. General Administrative Requirements

343. Child Eligibility and Enrollment Requirements

VI Admissions.

EACH PROGRAM SHALL HAVE AN ADMISSION POLICY THAT SPECIFIES THE AGE RANGE OF CHILDREN BEING SERVED:

INFANTS: SIX WEEKS THROUGH 15 MONTHS
TODDLERS: 16 MONTHS THROUGH 30 MONTHS.
PRESCHOOL: 31 MONTHS THROUGH FIVE YEARS.
PRIMARY: SIX YEARS THROUGH EIGHT YEARS.
INTERMEDIATE: NINE YEARS THROUGH TWELVE YEARS.

ADMISSION PROCEDURES DEVELOPED MUST PROVIDE THE CAREGIVER WITH SUFFICIENT INFORMATION AND INSTRUCTION FROM THE PARENT TO ENABLE THE CAREGIVER TO MAKE DECISIONS OR ACT IN BEHALF OF THE CHILD'S WELFARE IN THE ABSENCE OF THE PARENT.

Satisfactory Compliance:

Prior to admission of the child, the caregiver shall obtain written information from the person or persons legally responsible for the child covering the following items:

The child's full name, birth date, and current address.

The name and address of the parent or parents, or of the person(s) legally responsible for the child.

Telephone number or instructions as to how the person(s) responsible for the child may be reached when the child is in the day care program.

Names of persons authorized to take the child from the day care facility and their address, and persons not so authorized.

Name, address, and telephone number of the health care source to be called in case of emergency.

Names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if the parent cannot be reached in an emergency.

Health statement and immunization data ....

Signed authorization to the effect that the parent gives permission to the center to act in an emergency situation when the parent cannot be reached or is delayed in arriving.

Written permission for participation in specific research, experimentation, or publicity activities.

Written permission for the child to participate in activities not sponsored by the center. Permission must include type of activity, location, dates, and times of the activity.

Special diet needs.

ADMISSION POLICIES AND PROCEDURES MUST ENSURE INITIAL AND CONTINUING COMMUNICATION BETWEEN THE FAMILY AND THE FACILITY TO ASSURE COMPATIBILITY IN THEIR MUTUAL RESPONSIBILITY FOR THE CHILD'S WELFARE.

Satisfactory Compliance:
A plan for admission of the child that includes a pre-admission conference with parent and child.

A plan for continuing contact between the parents and the center.

344. Child Abuse Reporting
Not specified

345. Confidentiality of Records Requirements

VIII Organization and Administration.

ALL PERSONAL RECORDS MUST BE KEPT CONFIDENTIAL.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

VII Staff.

STAFF RATIO MUST BE MET AND MAINTAINED BY OPERATORS OF ALL PROGRAMS: APPROPRIATE DISTRIBUTION OF STAFF SHALL INCLUDE A TEAM THAT HAS INDIVIDUALS WITH COMPETENCIES OF A TEACHER, ASSISTANT TEACHER AND CHILD CARE ASSISTANT. VOLUNTEERS UNDER SUPERVISION MAY BE COUNTED IN THE STAFF RATIO. THE STAFF MEMBER MUST BE WITH THE CHILDREN TO BE INCLUDED IN THE STAFF-TO-CHILD RATIO. WHEN THERE ARE CHILDREN OF DIFFERENT AGES IN THE SAME GROUP, THE RATIO FOR THE YOUNGEST AGE GROUP SHALL PREVAIL. JANITORS AND BUS DRIVERS SHALL NOT BE COUNTED IN THE STAFF RATIO WHEN PERFORMING THESE DUTIES.

Satisfactory Compliance:

Infants: six weeks through 15 months.

Staff Ratio: one to four.

Group Size: no more than eight in an activity group.

Staff Distribution: one teacher for every 16 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

Toddlers: 16 months through 30 months.

Staff Ratio: one to seven.

Group Size: No more than 14 children in an activity group.

Staff Distribution: one teacher for every 28 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

Preschool: 31 months through five years.

Staff Ratio: one to ten.

Group Size: No more than 20 children in an activity group.

Staff Distribution: one teacher for every 40 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

Note: There shall be no more than ten two-and-one-half year olds in any activity group of 20 children.

School-Age: six years through twelve years.

Staff Ratio: one to 15.

Group Size: No more than 30 children in an activity group.

Staff Distribution: one teacher for every 60 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

IN CENTERS PROVIDING SLEEP CARE OF FOUR TO FIVE HOURS OR MORE, STAFF RATIOS SPECIFIED IN VII.D. SHALL BE MAINTAINED UNTIL THE CHILDREN ARE SETTLED FOR SLEEP. WHILE CHILDREN ARE SLEEPING, A MINIMUM NUMBER OF ADULTS MUST REMAIN AWAKE AND AVAILABLE TO THE CHILDREN THROUGHOUT THE SLEEP PERIOD.

Satisfactory Compliance:

One adult for every four sleeping infants but no fewer than two adults for the center.

One adult for every ten sleeping toddlers but no fewer than two adults for the center.

One adult for every 20 sleeping preschoolers but no fewer than two adults for the center.

One adult for every 25 sleeping school-age children but no fewer than two adults for the center.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

VII Staff.

ALL PERSONNEL IN REGULAR CONTACT WITH CHILDREN, INCLUDING VOLUNTEERS AND DRIVERS, SHALL BE PHYSICALLY, MENTALLY, AND EMOTIONALLY COMPETENT TO CARE FOR CHILDREN AND FREE FROM SERIOUS COMMUNICABLE DISEASE.

Satisfactory Compliance:

References must be required by the director from all child care staff relating to their ability to care for young children.

Prior to employment, the paid employee must submit a statement signed by his source of medical care and based on a thorough examination within three months. Statements must be submitted every two years thereafter.

All staff must submit evidence of freedom from tuberculosis before employment and annually.

A probation period must be set for new employees, during which physical, mental and emotional competence to care for children is evaluated and discussed with the employee by the employer.

Employees with communicable disease presenting an important health hazard to the group shall be excluded.

513. Education

VII Staff.
EACH STAFF PERSON MUST BE APPROPRIATELY QUALIFIED THROUGH TRAINING, EXPERIENCE, AND PERSONAL QUALITIES FOR THE AGE GROUP AND CULTURAL BACKGROUND WITH WHICH HE WORKS.

Satisfactory Compliance:
Teacher - Alternatives for Qualification

	TRAINING		EXPERIENCE		NUMBER OF ACCREDITED CHILD DEVELOPMENT TRAINING COURSES OR HOURS
a.	Post-secondary certificate in Child Development Assistant Training Program PLUS (minimum of 1080 hours)		One year (1560 hours) Assistant Teacher***	PLUS	1 course or 30 hours
OR b.	(no requirement)	PLUS	Two years (3120 hours) Assistant Teacher**	PLUS	3 courses or 90 hours

OR c. BA or BS in any field from an accredited college or university	* PLUS	**	PLUS	6 courses or 180 hours (May be include as part of BA or BS degree)
OR d. A degree in Child Development or Nursery Kindergarten Education from an accredited college or university	** PLUS			(no requirement)
OR e. Certification by the State Department of Education for Nursery School	** PLUS			(no requirement)
OR f. Compliance with the competency level requirements of Child Development Associate		(no requirement)		(no requirement)
OR g. INFANT-TODDLER ONLY (no requirement)		Three years (4680 hours) as a licensed Family Day Care Provider or Group Family Day Care Provider	PLUS	3 courses or 90 hours
OR h. SCHOOL-AGE ONLY Certification by the State Department of Education for Elementary or Secondary Education		(no requirement)		(no requirement)

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* SCHOOL-AGE ONLY - Six months (600 hours) experience in a related field (e. playground leader, tutor, student teaching, teacher's aide).

** INFANT-TODDLER ONLY - Three months (480) hours of required experience m be in an infant and/or toddler program.

Satisfactory Compliance:

Assistant Teacher - Alternative for Qualification

	TRAINING		EXPERIENCE		NUMBER OF ACCREDITED CHILD DEVELOPMENT TRAINING COURSES OR HOURS
a.	Post-secondary certificate in Child Development Assistant Training Program (minimum of 1080 hours)	** PLUS			(no requirement)
OR					
b.	(no requirement)		Six months (780 hours) as Child Care Assistant (Child Care) Aide) or Student Teacher	PLUS	3 courses or 90 hours
OR					
c.	Two years of post-secondary education	PLUS	**	PLUS	3 courses or 90 hours
OR					
d.	INFANT-TODDLER ONLY		Six months (780 hours) with infants and/or toddlers as a licensed family Day Care Provider or a Group-Family Day Care Provider	PLUS	3 courses or 90 hours
OR					
e.	SCHOOL-AGE ONLY		One year (1200 hours) in a related field (e.g., playground leader, tutor, student teaching, teacher's aide).		(no requirement)

** INFANT-TODDLER ONLY - 150 hours of experience in an infant and/or toddler program.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

VII Staff.

EACH STAFF PERSON MUST BE APPROPRIATELY QUALIFIED THROUGH TRAINING, EXPERIENCE, AND PERSONAL QUALITIES FOR THE AGE GROUP AND CULTURAL BACKGROUND WITH WHICH HE WORKS.

Satisfactory Compliance:

Director (of all programs): Person or persons responsible for administration of a program must have administrative and supervisory experience or capability as well as knowledge of program, staff relationships, and day care operations. Administrators with teaching duties must also possess the qualifications of a teacher. The director shall be at least 18 years of age and shall be mature responsible person.

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

See 513. Education

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530. SUPPORT STAFF QUALIFICATIONS

VII Staff.

EACH STAFF PERSON MUST BE APPROPRIATELY QUALIFIED THROUGH TRAINING, EXPERIENCE, AND PERSONAL QUALITIES FOR THE AGE GROUP AND CULTURAL BACKGROUND WITH WHICH HE WORKS.

Child Care Assistant (Child Care Aide) for all age groupings:

The following alternatives are available for qualification: High school vocational child care training course, or orientation training course in the center.

The Child Care Assistant must be at least 15 years of age.

Volunteers for all age groupings: To be counted in the staff-to-child ratio, volunteers must:

Be at least 15 years of age.

Participate in an orientation to the program.

Participate in any in-service training given to paid staff by the center.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

VII Staff.

STAFF DEVELOPMENT TRAINING FOR ALL REGUALR ADMINISTRATIVE, TEACHING AND SUPPORT SERVICES STAFF MEMBERS, INCLUDING VOLUNTEERS, MUST BE A PART OF EVERY CENTER'S EDUCATIONAL PROGRAM.

Satisfactory Compliance:

Each center shall be responsible for working out a plan with each staff person with direct teaching responsibilities or direct responsibility for supervision of that staff, e.g., director, for a minimum of the equivalent of 2% of his/her work hours to be spent in staff development.

This training can be provided by individual centers, a sponsoring agency, community sources, local school systems, professional groups, colleges, universities, or area vocational schools.

All other administrative staff, volunteers not counted in staff ratios, and support staff, e.g., cook, bus drivers, must receive an orientation to the program including appropriate licensing standards within the two weeks of employment.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

IV Program.

A GROUP-DAY-CARE PROGRAM MUST SHOW EVIDENCE, IN WRITING, OF PROVISION FOR THE PHYSICAL, INTELLECTUAL, EMOTIONAL, AND SOCIAL DEVELOPMENT OF THE CHILD. EVERY PROGRAM SHALL HAVE INTERNAL CONSISTENCY OF GOALS, OBJECTIVES, AND ACTIVITIES. EVERY PROGRAM SHALL PROVIDE A MINIMUM OF EQUIPMENT AND MATERIALS.

443

Satisfactory Compliance:

A written program plan that can be implemented and is observable shall be available for review by the Department. The program plan shall show how the program intends to meet the physical, intellectual, emotional, and social needs of every child. The program plan shall include appropriate ethnic, linguistic, and cultural variations.

The program shall submit a schedule of routine daily activities.

The group-day-care center shall organize an environment indoors and outdoors that provides a wide range of materials to meet the varied developmental levels and cultural backgrounds of children, such as:

Construction: blocks, sand table, workbench, water play, trucks, construction sets
Dramatic Play: playhouse, puppets, phones
Art: easel, paints, chalk, crayons, clay
Ponder Play: flannel boards, chalkboard, pegboard, puzzles, beads matching games
Science Learning: plants, animals, magnets, gears
Library: books, audio-visual materials
Music: rhythm instruments, tapes, records
Place To Be Alone: a corner or chair where a child can be by himself
Physical Development: climbing bars, balance bars, tumbling mats, tunnels for crawling

The program plan shall include both indoor and outdoor activities.

An inventory of minimum equipment shall be submitted as specified in Appendix A (Minimum Equipment and Supplies).

612. Program Equipment and Materials

III Facility.

OUTDOOR PLAY SPACE SHALL BE EQUIPPED FOR ACTIVE LARGE MUSCLE PLAY.

APPENDIX A

MINIMUM EQUIPMENT AND SUPPLIES -- PRESCHOOL PROGRAMS — FOR EVERY 20 CHILDREN

(Quantity of equipment is to increase in proportion to licensed capacity of facility)

	PROVISIONAL LICENSE	REGULAR LICENSE (additional equipment and supplies)	PROGRAMS OPERATING LESS THAN FOUR HOU (exceptions permitted)
Furniture	1. Sufficient tables and chairs with backs for children (one chair per child - no folding chairs). 2. One cot per licensed capacity. 3. First-aid kit. 4. Cot with blanket (for ill child). 5. Chairs with backs (for staff). 6. Low open shelves and bookcases (one foot per child). 7. Space/equipment for maintenance of children's records. 8. Individual spaces for outer clothing. 9. Area rug or carpeting.		2. Mats instea of cots.
Active, large-muscle play: (for indoors)	1. Large building blocks (may be of non-durable material) - at least 24. 2. Two pieces of durable large-muscle equipment per every 20 children such as: climber	1. Durable large building blocks - at least 48 per every 20 children. 2. Three pieces of durable large-	

	rocking boat triangle set tunnel walking plank	muscle equipment per every 20 children.
Active, large-muscle play; (for outdoors)	1. Two pieces of durable large-muscle equipment such as: climber swing slide sand box large wheel toys	1. Three pieces of durable large-muscle equipment.
Art and music activities	1. Phonograph. 2. Records - at least six 3. One double easel.	3. Double easels - one for each 15 children. 4. Rhythm band. 2. Records - at least ten.
Dramatic Play:	1. Small blocks (at least 200 pieces). 2. Three small durable transportation toys. 3. One spontaneous dramatic play area with at least two pieces of permanent equipment: pretend area work bench (wood-work and tools) housekeeping area: e.g., doll bed, stove, sink, refrigerator, cupboard, etc. 4. Accessories: dolls, dishes, pots and pans.	2. Six small durable transportation toys per every 20 children for block area. 3. At least two areas for spontaneous dramatic play, each having at least three pieces of equipment. 4. At least one full-length mirror. 5. Dress-up clothes.
Ponder Play	1. Books - one per every child. 2. Puzzles - one per every four children. 3. Cognitive games - one per every four children: e.g., number concepts, letter concepts, shape concepts, size concepts, color concepts.	1. Two per every child. 2. One per every two children. 2a. Puzzle rack. 3. One per every two children. 4. Science items: e.g., magnet, magnifying glass, pets, plants.

Expendable supplies:	1. Clay or playdough. 2. Tempera or finger paints (non-toxic). 3. Paper (colored and white). 4. Paste (non-toxic). 5. Scraps - collage materials. 6. Paint brushes. 7. Crayons. 8. Blunt Scissors. 9. Aprons - smocks.	
Fine-motor development:	1. Manipulative toys - one per every four children: e.g., pegs and pegboards, beads and strings, interlocking plastic forms. 2. Sand or water play equipment.	1. One per every three children
Language development:	1. Pictures. 2. Bulletin boards. 3. Flannel board and flannel sets.	
Food service supplies:	1. Dishes, silverware, and cups, if meals are to be served.	

MINIMUM EQUIPMENT AND SUPPLIES - INFANT AND TODDLER PROGRAMS FOR EVERY 20 INFANTS AND TODDLERS

(Quantity of equipment is to increase in proportion to licensed capacity of facility)

	INFANT PROGRAMS	TODDLER PROGRAMS
Furniture	1. Sufficient infant-sized tables and chairs with backs for infants able to sit alone. One chair per infant; no folding chairs. 2. One crib with mattress and blanket per infant in attendance.	1. Same as furniture for pre-school programs plus: 2. Training chairs.

	3. Ten-unit first-aid kit.	
	4. Crib with mattress and blanket for ill infant.	
	5. Chairs with backs (for staff).	
	6. Low open shelves and bookcases (one foot per child).	
	7. Space and equipment for maintenance of children's records.	
	8. Adult rocker.	
	9. Individual space for outer clothing.	
	10. High chairs.	
	11. Infant seats.	
	12. Baby walkers.	
	13. Bathing tub.	13. Bathing tub.
	14. Changing table with changeable covering.	14. Changing table with changeable covering.
	15. Diaper pail with liners.	15. Diaper pail with liners.
	16. Area rug or carpeting.	
	17. Play pens.	
	18. Gates as needed for safety.	18. Gates as needed for safety.
Active large-muscle play:	1. Large building blocks (may be of non-durable material) - at least 20.	Same as Preschool Programs.
	2. Five pieces of durable large-muscle equipment for every 20 infants such as: Baby bouncers Large turning balls Body wheels Riding stools	2. Five pieces of durable, large-muscle equipment for every 20 toddlers, such as: Two-step slide Rocking boat Indoor gym horse
	3. Large open plastic ball.	
	4. Water-play equipment.	
Art and music activities	1. Phonograph.	Same as preschool programs.
	2. Records - at least six.	
	3. Musical pull-toys.	
	4. Rattles.	
	5. Drum (without sticks).	
FINE MOTOR DEVELOPMENT	1. Matching and feeling toys - one per every two children, such as: plastic clutch toys form toys rattles pull toys feeling balls	Same as preschool programs.

	2. Manipulative toys - one per every two children such as: teething toys wooden rattles shape toys clutch balls	
Language development	1. Pictures. 2. Bulletin boards.	Same as preschool programs.
LINENS AND SUPPLIES:	1. For each crib: bumpers, sheets (cotton, plus rubber and/or plastic), blankets.	Same as preschool programs.
	2. Bath towels.	
	3. Wash cloths.	3. Wash cloths.
	4. Diapers	4. Diapers.
	5. Cover(s) for changing table.	
	6. Sterile cotton balls.	
	7. Facial tissues.	7. Facial tissues.
	8. Soap.	8. Soap.
	9. Petroleum jelly or bland diaper-rash ointment.	9. Petroleum jelly or bland diaper-rash ointment.
	10. Rubber-bulb ear syringe with blunt plastic or rubber tip.	

613. Nap Provision

III Facility.

A COT OR CRIB MUST BE PROVIDED FOR EACH CHILD TAKING A NAP IN A PROGRAM THAT INCLUDES A REST. ADEQUATE SPACE AND ACCESSIBILITY OF EXIT MUST BE MAINTAINED.

Satisfactory Compliance:

Infants must be provided with cribs or padded playpens, regardless of type or duration of program.

Toddlers and preschoolers under the age of five years who are in programs lasting more than five hours shall be provided with cots.

Children older than infants who are in programs lasting less than five hours shall be provided with washable mats or rugs for taking rests.

A child sleeping more than four to five hours must be provided with a bed, cot, or crib (depending on ability). The bed, crib, or cot shall have a mattress, safe mattress protector and coverings. Pillows may be provided for children one year old or older, according to individual needs.

Cribs, cots, or playpens must be so arranged that there is easy access to each child and accessibility of exit is maintained.

A crib must be of adequate size for the child's height. Crib mattresses shall be covered.

Sheets, pillows, and blankets must not be interchanged and must be kept clean at all times. Bed linens must be laundered at least once a week or when soiled or wet. Blankets, mattress protectors, and pillow protectors shall be laundered when a new child uses the bed.

Beds used by members of the household must not be used by the children in the center.

Cribs shall not be stacked.

IV Program.
NAPS AND REST IN A GROUP-DAY-CARE PROGRAM MUST MEET THE NEEDS OF THE CHILD AND THE WISHES OF THE PARENTS.

Satisfactory Compliance:
Each child shall be provided opportunity for enough sleep for his age at regular hours under conditions conducive to rest.

Sleeping arrangements shall be so made that no child is deprived of needed sleep or has it unnecessarily interrupted.

Quiet activities shall be provided before bedtime to aid relaxation for sleep.

614. Discipline and Guidance

III Facility.

NO CHILD SHALL BE SUBJECTED TO CORPORAL OR PSYCHOLOGICAL ABUSE BY STAFF.

Satisfactory Compliance:

Methods of discipline used by the center shall be discussed with each child's parents at the time of enrollment.

No child shall be handled roughly, such as shoving, hair-pulling, ear-pulling, or shaking by staff.

No child shall be hit in any way, such as slapping, spanking, or kicking by staff.

Isolation and exclusion time shall be geared to age of child, not to exceed ten to 15 minutes. If a child is isolated, the room must be well-ventilated and well-lighted and within sight and hearing of an adult. A child shall not be isolated in a locked room or closet.

No child shall be humiliated, shamed, or labeled.

A child shall not be punished for lapses in toilet training.

Meals and snacks shall not be used as a form of punishment.

No discipline shall be delegated to another child.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

V Health, Nutrition, and Safety.

CONTINUING HEALTH CONSULTATION SHALL BE SOUGHT FROM APPROPRIATE PRIVATE OR PUBLIC COMMUNITY RESOURCES TO ASSIST IN DEVELOPING HEALTH POLICIES AND KEEPING THEM CURRENT: TO ASSIST IN SCREENING, REFERRAL, AND FOLLOW-UP PROCEDURES; AND TO PROVIDE ADVICE ABOUT CHILDREN WITH SPECIAL NEEDS.

Satisfactory Compliance:

All programs shall seek regular consultation with a physician or public health nurse. A physician shall at least be available as an emergency resource during the hours of operation.

If infants under one year of age are cared for, the program must have monthly consultation with a public health nurse or a registered nurse with training or experience in infant care. The program must operate under health policies approved by a physician.

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. Sanitation

III Facility.

FLOORS MUST BE KEPT CLEAN AT ALL TIMES: MUST NOT HAVE SPLINTERS, CRACKS, OR BROKEN LINOLEUM, AND MUST NOT BE SLIPPERY. CARPETING OR RUGS MAY BE USED BUT RUGS MUST NOT BE HAZARDOUS. CONCRETE FLOORS SHALL BE TILED, CARPETED, OR CUSHIONED.

PREMISES SHALL BE KEPT CLEAN AND SANITARY.

V Health, Nutrition, and Safety.

PAPER TOWELS, ROLLER TOWELS, OR AIR DRYERS MUST BE PROVIDED FOR THE CHILDREN'S USE.

IN PROGRAMS PROVIDING SLEEP CARE OF FOUR TO FIVE HOURS OR MORE, EACH CHILD SHALL HAVE HIS OWN CLEARLY IDENTIFIED TOOTHBRUSH, COMB, TOWEL, AND FACE CLOTH. AT LEAST TWICE A WEEK TOWELS AND FACE CLOTHS MUST BE LAUNDERED. SOAP AND TOOTHPASTE SHALL BE PROVIDED.

PRESCHOOL CHILDREN MUST BE MONITORED IN WASHING THEIR HANDS AND TOILETING. CHILDREN SHALL BE ENCOURAGED AND HELPED TO KEEP THEMSELVES CLEAN. THEY SHALL RECEIVE SPECIFIC TRAINING IN PERSONAL HYGIENE.

DRINKING WATER SHALL BE AVAILABLE TO CHILDREN AND OFFERED AT FREQUENT INTERVALS.

Satisfactory Compliance:

Water bottles for infants shall be prepared, packaged, and identified for each individual infant. Each bottle shall be stored and handled to protect against contamination. Each infant's usual need for water shall be recorded, as given by the infant's parents, on the individual enrollment form.

Drinking water for toddlers and older children shall be provided in individual drinking cups or approved drinking fountains.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

III Facility.

CENTERS MUST PROVIDE CARE FOR A CHILD WHO BECOMES ILL. SUPERVISION MUST BE PROVIDED UNTIL THE CHILD IS PICKED UP.

Satisfactory Compliance:

Space designated for use by an ill child need not be permanently arranged but shall be:

> Used only for other compatible purposes; e.g., private office, library, staff's room, or
>
> Effectively protected from the main activity area and the kitchen by screening, and
>
> Equipped with a child's cot, and
>
> Within sight and hearing of an adult.

V Health, Nutrition, and Safety.

THE CENTER SHALL HAVE A COMPLETE WRITTEN POLICY ON ILLNESS AND EMERGENCY CARE, ACCIDENTS, FIRST-AID, AND EXCLUSION OF SICK CHILDREN. ALL STAFF MUST HAVE TRAINING IN THE ADMINISTRATION OF FIRST-AID.

Satisfactory Compliance:

At the time of registration, the parent must be given a copy of the policy on emergency and illness care and exclusion of sick children.

A plan must be made with each parent about emergency and illness care that shall include the information specified in Admission Section.

Any important infections or communicable disease must be reported to all parents.

717. Medication and Special Diet Provisions

V Health, Nutrition, and Safety.
ADULT CAREGIVERS SHALL BE SEATED WITH CHILDREN AT SNACK AND MEAL TIMES.

WHEN A CHILD IS TO BE GIVEN ORAL OR SURFACE MEDICATION, WRITTEN INSTRUCTIONS BY A PHYSICIAN OR DENTIST MUST BE PROVIDED, AND WRITTEN AUTHORIZATION TO ADMINISTER MEDICATION MUST BE GIVEN BY A PARENT. MEDICATION MUST BE LABELED, STORED UNDER LOCK, OR OUT OF THE REACH OF CHILDREN.

Satisfactory Compliance:
The center shall obtain written permission from the child's parents prior to the administration of any medication - prescription or non-prescription.

Medications shall be kept in their original containers bearing the original label with legible information stating:

Prescription number
Name of drug
Strength and quantity of drug
Expiration date of any time-dated drug
Directions for use
Child's name
Physician's name
Date of original issue or, with a refill, the most recent date of issue
Name and address of the licensed pharmacy issuing the medication.

Any drug container having a detached, excessively soiled, or damaged label shall be destroyed immediately. Any unused portions of prescription drugs remaining in the facility shall be returned to the parent or destroyed by the licensee by flushing them into the sewer system and removing and destroying the labels from the drug containers.

Medications having a specific expiration date shall not be used after the date of expiration.

Medications must be stored out of the reach of children or under lock.

The parent must be informed when any medication is given.

CONSIDERATION MUST BE GIVEN TO THE MODIFIED OR THERAPEUTIC DIET NEEDS OF CHILDREN AS PRESCRIBED BY SOURCE OF HEALTH CARE.

Satisfactory Compliance:
The diet orders must be filed and the entire staff informed of the diet restrictions.

The director must check with the parents about the length of time the child is to be on the diet.

The diet plan is to be carefully followed by obtaining the consultative services of a qualified nutritionist or dietitian to interpret the diet orders as needed.

For the child requiring a rigid diet because of severe diabetes, sodium restriction, ketogenic, or phenylketonuria, food must be brought from home.

718. Waiver of Health Requirements
See 341. Children

720. SAFETY

721. General Safety Requirements

IV Program.

THERE SHALL BE OPEN SHELVES FOR PLAY MATERIALS AND BOOKS, AND INDIVIDUAL SPACE MUST BE PROVIDED FOR EACH CHILD'S CLOTHING AND OTHER PERSONAL BELONGINGS.

V Health, Nutrition, and Safety.

EVERY CHILD CARE CENTER SHALL HAVE WRITTEN ACCIDENT PREVENTION PROCEDURES BASED ON COMMON CAUSES OF ACCIDENTS IN THE AGE GROUP SERVED.

Satisfactory Compliance:

At least twice a year a staff member shall inspect the center for hazards. All hazards shall be discussed with staff and corrected, where possible. Procedures shall be devised to prevent accidents and eliminate hazards.

Written procedures for accident prevention shall include at least poisoning, aspiration and choking, injury, burns, and pedestrian accidents.

Accident reports or an accident log must be kept on all accidents, except minor scratches and abrasions. Reports should be analyzed at least annually and procedures adjusted to prevent recurring accidents.

Staff shall have a practical understanding of at least the center's safety procedures, special hazards, and common accidents occurring at the center, detailed instruction in evacuation procedures, use of the fire extinguisher, and how to report accidents.

The person in charge shall know where the fuse box is located, and how to pull the main electrical switch.

ALL ELECTRICAL OUTLETS MUST BE COVERED OR PROTECTED WHEN NOT IN USE.

RADIATORS, FIREPLACES, HOT PIPES, STEAM RADIATORS, AND OTHER HOT SURFACES SHALL BE PROTECTED BY GUARDS.

SHARP SCISSORS, KNIVES, MATCHES, AND OTHER POTENTIAL HAZARDS TO CHILDREN SHALL BE STORED OUT OF THEIR REACH. THE USE OF POTENTIALLY HAZARDOUS MATERIALS AND TOOLS BY CHILDREN SHALL BE SUPERVISED.

STAIRWAYS USED BY THE CHILDREN SHALL HAVE REACHABLE HAND RAILINGS.

722. Fire Safety Requirements

V Health, Nutrition, and Safety.
EVERY CHILD CARE CENTER SHALL HAVE WRITTEN ACCIDENT PREVENTION PROCEDURES BASED ON COMMON CAUSES OF ACCIDENTS IN THE AGE GROUP SERVED.

Satisfactory Compliance:
Fire prevention precautions shall be consistent with the State Fire Marshal's Code.

CENTERS MUST BE EQUIPPED WITH THE NUMBER OF FIRE EXTINGUISHERS DETERMINED BY THE STATE FIRE MARSHAL. EXTINGUISHERS MUST BE IN WORKING ORDER AND CHECKED ANNUALLY.

See also 736. Emergency Procedures

723. Transportation

VIII Organization and Administration.

WHEN TRANSPORTATION IS PROVIDED BY A GROUP-DAY-CARE CENTER, CHILDREN MUST BE PROTECTED BY PROPERLY OPERATED AND MAINTAINED VEHICLES, ADEQUATE STAFF SUPERVISION, LICENSED DRIVER, SAFETY PRECAUTIONS, AND PROVISION FOR LIABILITY INSURANCE AND FOR ADEQUATE MEDICAL CARE.

Satisfactory Compliance:

Vehicles must have standard equipment and be in satisfactory operating condition. Each vehicle must have a fire extinguisher and a first-aid kit.

All drivers must meet requirements for a Minnesota Department of Public Safety Class C driver's license, permitting transportation of nine or fewer children. (Informaton is available from the Drivers License Division, Department of Public Safety, St. Paul, Minnesota.)

If infants or toddlers are transported, there must be a minimum of one adult for every five infants and toddlers, in addition to the driver.

There must be at least one adult in addition to the driver in every vehicle if five or more children are being transported.

Each child transported shall have and use a seat and a seat belt while the vehicle is in motion. Infants shall be transported in special approved infant safety seats; toddlers in toddler seats.

Children and sponsoring groups must be protected by liability insurance, and provisions for adequate medical care must be made.

A preschool child or a toddler may not be left unattended at the time of pick-up or delivery.

Except in unusual circumstances, children are not to be transported more than one hour per trip.

No more than three persons, including the driver, shall occupy the front seat of any vehicle.

Satisfactory Compliance for Vans or Buses:
Vehicles must have standard equipment and be in satisfactory operating condition. Each vehicle must have a fire extinguisher and a first-aid kit.

All drivers must meet requirements for a Minnesota Department of Public Safety Class B driver's license, permitting operation of a vehicle designed and equipped to transport more than ten passengers (Information available from Drivers License Division, Department of Public Safety, St. Paul, Minnesota).

Anyone driving a van or school bus labeled "School Bus" or with school bus sign uncovered, must have a Minnesota Department of Public Safety Class B driver's license with School Bus Endorsement. (Information available from Drivers License Division, Department of Public Safety, St. Paul, Minnesota.)

If infants or toddlers are transported, there must be a minimum of one adult for every five infants and toddlers in addition to the driver.

There must be at least one adult in addition to the driver in every vehicle if five or more children are being transported.

Drivers and passengers must wear seat belts when the vehicle is equipped with them. Infants shall be transported in special approved infant safety seats, toddlers in toddler seats.

A preschool child or toddler may not be left unattended at time of pick-up or delivery.

Except in unusual circumstances, children are not to be transported more than one hour per trip.

No more than three persons, including the driver, shall occupy the front seat of any vehicle.

Children and sponsoring groups must be protected by liability insurance and provisions for adequate medical care must be made.

724. Safety Requirements for Equipment

III Facility.

ALL EQUIPMENT AND FURNITURE MUST BE DESIGNED FOR THE AGE GROUP AND BE SUBSTANTIAL, EASY TO CLEAN, AND FREE FROM SHARP POINTS OR CORNERS, SPLINTERS, OR PAINTS THAT CONTAIN LEAD. THE FACILITY AND EQUIPMENT MUST ALSO BE KEPT IN GOOD REPAIR, WITH NO PEELING PAINT AND FREE FROM DEBRIS AND LITTER.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

V Health, Nutrition, and Safety.

CENTERS SHALL ESTABLISH PROCEDURES TO BE FOLLOWED IN CASE OF EMERGENCIES OR ACCIDENTS.

Satisfactory Compliance:

Procedures for fires, tornadoes, blizzards, illness of staff, accidents, breakdown of transportation, power failure, and missing persons shall be determined. Where appropriate, plans for emergency shelter of children and staff must be designated.

All staff and children shall participate in monthly fire drills based on fire evacuation procedures.

Written plans for fire emergencies shall show primary and secondary exits. Plans shall include details of rescue of children, contact of fire department, and closing-off of fire area, in that order of priority.

THE CENTER SHALL MAKE ARRANGEMENTS IN ADVANCE FOR EMERGENCY TRANSPORTATION.

727. First Aid Supplies

V Health, Nutrition, and Safety.
A TEN-UNIT FIRST-AID KIT AND DIRECTIONS FOR ITS USE MUST BE AVAILABLE.

Satisfactory Compliance:
The following minimum first-aid supplies must be available and accompanied by directions: band-aids, sterile bandages, sterile compresses, adhesive tape, magnifying glass with needles and tweezers for removing splinters, soap (with water) for cleaning cuts, abrasions, etc.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

V Health, Nutrition, and Safety.
A GROUP-DAY-CARE CENTER MUST PROVIDE OR ENSURE THE AVAILABILITY OF ADEQUATE AND NUTRITIOUS MEALS AND SNACKS APPROPRIATE FOR THE AGES AND NEEDS OF THE CHILDREN SERVED.

EACH REGULAR MEAL MUST PROVIDE ONE-THIRD OF THE CHILD'S DAILY FOOD NEEDS. ONE MEAL AND TWO SNACKS OR TWO MEALS AND ONE SNACK SHALL BE PROVIDED DAILY FOR EACH CHILD IN CARE FIVE THROUGH EIGHT HOURS. A MINIMUM OF TWO MEALS MUST BE OFFERED TO CHILDREN IN CARE NINE OR MORE HOURS UNLESS FOUR OR MORE OF THESE HOURS ARE SPENT IN SLEEP.

Satisfactory Compliance:
The current USDA Daily Food Guide shall be utilized in planning adequate quantities of the Basic Four foods appropriate for the age of the child. Ethnic food shall be included where appropriate.

The Daily Food Guide shall be used as a pattern not only for hot lunches served at the center but also for cold lunches and lunches brought from home. These are acceptable when parents are informed about nutritionally adequate lunches. The center shall provide supplements to bag lunches as needed and proper refrigeration.

Snacks shall include a beverage plus one or more of the following: raw vegetables, cheese, cereal product, or fruit. Snacks must be provided at suitable intervals and served at least one and one-half hours before meals.

The admission interview shall include information about food habits and practices, food likes and dislikes, and cultural patterns of food selection and preparation that may be used by the staff in serving foods.

MENUS MUST BE PLANNED IN ADVANCE FOR A CYCLE OF AT LEAST ONE MONTH, POSTED FOR PARENTS' INFORMATION, AND REVIEWED FOR NUTRITIONAL ADEQUACY AT LEAST ONCE A YEAR.

812. Waiver of Requirements
Not specified

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820. FOOD PREPARATION

821. Food Preparation and Service Requirements

IV Program.
ADULT CAREGIVERS SHALL BE SEATED WITH CHILDREN AT SNACK AND MEAL TIMES.

V Health, Nutrition, and Safety.
GROUP-DAY-CARE CENTER PERSONNEL SHALL UNDERSTAND PERSONAL SANITATION AND METHODS OF HANDLING, PREPARING, AND SERVING FOOD IN A SAFE AND SANITARY MANNER. THE PREPARATION OF FOOD BY CHILDREN MUST BE CAREFULLY SUPERVISED. THE PROGRAM SHALL COMPLY WITH THE PROVISIONS OF APPLICABLE STATE AND LOCAL FOOD ORDINANCES.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

IV Program.
THE CENTER SHALL ESTABLISH AND MAINTAIN CONTINUAL COMMUNICATION AND EXCHANGE OF IDEAS AND INFORMATION BETWEEN THE STAFF AND PARENTS.

Satisfactory Compliance:
The center must provide evidence of compliance with the following:

> The child's record shall show that planned conferences have been offered to parents in the center or at home. Conferences must be offered twice each year for children two years of age or older, and at least once every two months for children under two.

Every center shall have a written plan on file for activities that will keep parents informed and encourage parent input.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

IV Program.

CENTERS SERVING CHILDREN UNDER TWO AND ONE-HALF MUST PROVIDE FOR FLEXIBILITY IN PROGRAMMING. EACH CHILD MUST HAVE INDIVIDUAL PERSONAL CONTACT EACH DAY.

Satisfactory Compliance:

Each infant shall be held during bottle feedings until he is able to safely hold his own bottle. Bottles shall not be propped.

Each child shall be held, cuddled, and played with each day.

Each child's attempts to communicate shall be responded to. Staff shall talk to and listen to each child.

Infants and toddlers shall be allowed freedom of movement during a large part of their waking day.

> The non-creeping infant shall spend part of each day on a clean carpeted floor or large blanket.
>
> The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time. During the infant's waking hours, a playpen shall be placed where the infant can watch others. Several hours each day shall be spent outside the crib or playpen.

The toddler shall be allowed and encouraged to move about, explore, and handle safe objects.

Each child shall be provided with materials and equipment that will foster his development physically, mentally, socially, and emotionally.

Feeding time shall meet individualized needs of children.

There must be a flexible plan for diapering and toileting. Children shall be kept dry and comfortable at all times. A complete change of clothing shall be brought from home to be used as needed. The child shall be changed in his crib or on a table with a change of covering between each diaper change. Staff members shall wash their hands after changing each child. Before being diapered, the child shall be washed with a separate cloth or towel.

An adequate supply of clean diapers shall be available. Diapers may be provided by the parent. When diapers are provided by the center, they shall be single service and disposable. Diapers shall be stored in a sanitary manner.

Toilet training shall be undertaken when appropriate according to a child's age and stage of development. Training must be in cooperation with the parent's plan. Children shall be offered frequent opportunities for toileting.

Children unable to wash their own hands and faces shall have their hands and faces washed before meals and after toileting.

Training chairs shall be washed before meals and after each use.

Children under two and one-half years of age shall have a separate area and program from other children.

Before admission, the director shall obtain information about the child's eating, sleeping, toileting, communication, and comforting habits and needs.

Space used by children sleeping in cribs shall be separate from playrooms or classrooms.

1120. HEALTH AND SAFETY REQUIREMENTS

V Health, Nutrition, and Safety.
SOILED DIAPERS SHALL BE KEPT IN A CLOSED CONTAINER, THIS CONTAINER SHALL BE CLEANED DAILY AND SHALL NOT BE ACCESSIBLE TO THE CHILDREN.

1130. INFANT NUTRITION

V Health, Nutrition, and Safety.
THE DIET OF AN INFANT SHALL BE DETERMINED BY THE CHILD'S PARENTS IN CONSULTATION WITH THEIR SOURCE OF HEALTH CARE.

Satisfactory Compliance:
Formula or milk and solid foods, including vitamin and iron supplements, must be fed in prescribed quantitites and at specified time intervals. Written diet instructions shall be obtained from the parent.

The sources, preparation, handling, and storage of formula, milk, solid foods, and supplements for children under one year of age shall be approved by a physician. These policies and procedures, signed by the physician, shall be kept on file at the center.

The parent shall be informed daily of the amount and kind of food intake of the infant.

Each infant's feeding schedule shall be available to staff.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

IX Group-Day-Care Centers Serving the Educationally or Developmentally "Handicapped" Child.

WRITTEN PERMISSION MUST BE OBTAINED FROM THE LICENSING AGENT PRIOR TO ENROLLING HANDICAPPED CHILDREN.

THE GROUP-DAY-CARE CENTER SHALL OBTAIN THE ASSISTANCE OF A QUALIFIED CONSULTANT PRIOR TO THE ENROLLMENT OF ANY HANDICAPPED CHILD.

Satisfactory Compliance:
The center shall have written program modifications based on the determination of the qualified consultant and the needs of the individual handicapped child. These program modifications shall be understood by program staff.

Additional staff as recommended by the consultant shall be available.

Modified equipment and supplies as recommended by the consultant shall be available.

Training of staff as recommended by the consultant shall be arranged.

Modifications of the physical facilities shall be made as recommended by the consultant and in comformance with the State Building Code.

PRIOR TO THE ADMISSION OF ANY HANDICAPPED CHILD, THE GROUP-DAY-CARE CENTER SHALL OBTAIN INFORMATION FROM THE PARENT, THE PHYSICIAN, AND THE STATE OR LOCAL EDUCATION AGENCY ABOUT ANY SPECIAL PROBLEMS OR NEEDS THAT MAY AFFECT THE CHILD'S USE OF THE PROGRAM. WHERE INDICATED, A PSYCHOLOGICAL EVALUATION SHALL BE MADE AND BE AVAILABLE TO THE CENTER.

THE PROGRESS OF THE HANDICAPPED CHILD SHALL BE EVALUATED NO LESS THAN ANNUALLY BY A QUALIFIED CONSULTANT.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

III Facility.

PRIMARY SPACE DESIGNATED FOR THE PROGRAM SHALL BE AVAILABLE ONLY FOR THE CHILDREN WHEN THE PROGRAM IS IN OPERATION. THIS SPACE SHALL INCLUDE FURNISHINGS AND EQUIPMENT PRIMARILY FOR THE PROGRAM'S USE. SUPPLEMENTARY SPACE MAY BE SHARED.

OUTDOOR PLAY AREA OF AT LEAST 75 SQUARE FEET PER CHILD AND NO LESS THAN 1,000 SQUARE FEET PER PROGRAM MUST BE PROVIDED.

Satisfactory Compliance:

An adjacent play area where children are rotated in appropriate numbers to maintain 75 square feet per child for outdoor play.

Adjacent park facilities within 1000 feet, or

Park space that is more than 1000 feet from the group-day-care center, where daily transportation is provided.

PLAY SPACE MUST BE ADEQUATELY ENCLOSED WHERE NECESSARY TO PREVENT CHILDREN FROM LEAVING THE PREMISES UNATTENDED AND OUTDOOR PLAY TIME MUST BE DIRECTLY SUPERVISED WITH THE REQUIRED STAFF-TO-CHILD RATIO.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

III Facility.

A MINIMUM ROOM TEMPERATURE OF 68° SHALL BE MAINTAINED IN SPACE DESIGNATED FOR THE PROGRAM.

VENTILATION AND LIGHTING IN EVERY FACILITY MUST MEET THE REQUIREMENTS OF THE STATE BUILDING CODE.

1430. EXITS

III Facility.

ALL STAIRWAYS AND CORRIDORS LEADING TO EXITS SHALL BE KEPT CLEAR AND FREE FROM OBSTRUCTIONS AT ALL TIMES.

1440. TOILETS AND LAVATORIES

III Facility.

ADEQUATE TOILET AND WASHBOWLS MUST BE PROVIDED IN A WELL-VENTILATED PLACE.

Satisfactory Compliance:
There must be at least one toilet and one washbowl provided for each 15 children and one additional toilet and washbowl for each additional 15 children or fraction thereof. Toilets and washbowls must be reachable.

Training chairs, instead of the required number of toilets, must be provided for toddlers.

Water accessible to children shall not exceed 120°F.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

III Facility.
THE BUILDING MUST MEET LEGAL, REQUIREMENTS FOR ZONING, HOUSING, SANITATION, FIRE PROTECTION, WATER SUPPLY, AND SEWAGE DISPOSAL.

Satisfactory Compliance:
The program must obtain written verification from the various local legal bodies stating that requirements have been met.

In the absence of local regulations, compliance shall be satisfied if the requirements of the State Health Department and the State Fire Marshal are met and it is so stated in writing.

Newly constructed facilities and altered buildings shall meet the requirements of the State Building Code.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are from the Mississippi State Board of Health, Regulation Governing Licensure of Child Care Facilities, 1972.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

II Definitions.

A "Child Care Facility" means a place which provides shelter and personal care for six (6) or more children who are not related within the third degree computed according to the civil law to the operator and who are under six (6) years of age for four (4) or more hours of any part of the twenty-four hour day, whether such place be organized or operated for profit or not. The term "child care facility" includes day nurseries, day care centers and any other facility that falls within the scope of the definitions set forth above, regardless of auspices. There is exempted from this act any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private, or parochial, whose primary purpose is a structured school readiness program.

Family Day Care Home. An occupied residence in which day care is regularly provided for no less than six (6) children nor more than fifteen (15) children who are not related within the third degree computed according to the civil law to the operator and who are under the age of six (6) for four (4) or more hours of any part of the twenty-four hour day.

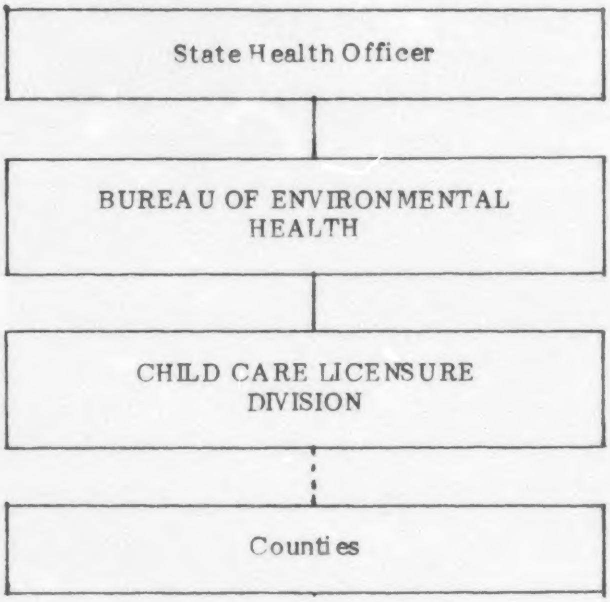
Day Care Center. Any facility which regularly receives six (6) or more children for day care who are not related within the third degree computed according to the civil law to the operator and who are under the age of six (6) for four (4) or more hours of any part of the twenty-four hour day. An occupied residence which cares for sixteen (16) or more children shall be a day care center.

112. Exclusions and Exemptions

See 111. Definitions

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


State Health Officer
BUREAU OF ENVIRONMENTAL HEALTH
CHILD CARE LICENSURE DIVISION
Counties

In Mississippi, child care licenses are issued and revoked at the state central office level, while the day to day licensing functions are carried out by the counties. The state central office monitors the counties in performing this function. District offices, operated by the state, serve as a liaison between the state central office and the counties. Each district office has public health nurses, sanitarians, and a social worker show provide expert assistance to the counties.

122. Responsible Official

All inquiries should be directed to:

Supervisor, Child Care Licensure Division
Bureau of Environmental Health
State Board of Health
P.O. Box 1700
Jackson, Mississippi 39205
(601) 982-6505

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

I Licensing Authority.

The "Mississippi Child Care Licensing Act", Senate Bill No. 1528, 1972 Session of the Mississippi Legislature, is the legal authority under which the Mississippi State Board of Health prescribes minimum standards for child care facilities defined under the act.

212. Advisory Body and Other Community Participation

MISS. CODE ANN. § 43-20§43-20-7 Advisory Board.
There is hereby created an advisory board which shall be appointed by the executive officer of the state board of health, who shall serve at the pleasure of the executive officer. Said board shall consist of ten (10) persons appointed one each from the following groups:

Mississippi Preschool Association;
Mississippi State Medical Association;
Mississippi Home Economics Association;
Governor's Council on Youth;
State Department of Public Welfare;
Department of Child Development, University of Mississippi;
Department of Pediatrics, University of Mississippi Medical School;
Department of Education, State of Mississippi;
State Fire Marshal Department.

220. LICENSING PROCEDURE

221. Application and Issuance

III Licensure.
Requirement for Licensure. From and after August 1, 1972, no person acting individually or jointly with another person or persons shall establish, own, operate, conduct or maintain a child care facility in this state without a license issued under this act. The license shall be posted in a conspicuous place on the licensed premises.

Application for license. An application for a license under this act shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency may reasonably require.

222. Fee Charged

III Licensure.

License Fee. Each application for a license shall be accompanied by a license fee of ten dollars ($10.00) which shall be paid to the licensing agency.

223. Areas of Investigation

MISS. CODE ANN. § 43-20-15 Inspections.

The licensing agency shall make or cause to be made inspections limited to health, cleanliness, safety, and sanitation once a year of facilities licensed hereunder. Further additional inspections may be made as often as may be deemed necessary.

224. License Renewal

III Licensure.

Renewal of license. A license issued under the provisions of this act shall be renewed annually upon payment of three dollars ($3.00) renewal fee and upon filing by the licensee of an annual report upon such uniform dates and upon forms provided by the licensing agency. The licensing year shall begin April 1 and expire March 31 of each year. Also, a current certificate of inspection and approval by the fire department and the county health department specified in Section III, D, of these regulations shall be submitted.

225. Conditional/Provisional Licenses

IV Provisional License.

The licensing agency may issue a provisional license, at its discretion, where the facility does not fully comply with these regulations if it determines requirements can be complied with in a reasonable time. The period of time for which a provisional license is issued shall be at the discretion of the licensing agency but in no instance shall exceed one (1) year.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

V Inspections.

The licensing agency shall make or cause to be made an inspection of each facility at least once a year. Further additional inspections may be made quarterly by the local health department and as often as deemed necessary. The operator, administrator and/or management of a child care facility shall permit inspections by State Board of Health personnel or its designated agents at any time.

232. Denial, Suspension, Revocation of a License

Not specified

233. Remedies and Sanctions

233.1 Hearings

XI Appeal Procedure.

The State Board of Health shall provide an opportunity for a fair hearing for every licensee of a child care facility who is dissatisfied with administrative decisions made in the denial of a license.

> The licensing agency shall notify the licensee by registered mail or personal service, the particular reason for the proposed denial or revocation of the license. Upon written request of the licensee within ten (10) days of the notification, the licensing agency shall fix a date not less than thirty (30) days from the date of such service at which time the licensee shall be given an opportunity for a prompt and fair hearing before officials of the licensing agency.

233.2 Decisions

Not specified

233.3 Judicial Review

MISS. CODE ANN. §43-20-21 Injunctive Relief.

Notwithstanding the existence of any other remedy, the licensing agency may, in the manner provided by law, in term time or in vacation, upon the advice of the Attorney General who shall represent the licensing agency in the proceedings, maintain an action in the name of the state for injunction or other proper remedy against any person to restrain or prevent the establishment, conduct, management or operation of a child care facility without license under this act, or otherwise in violation of this act.

III Licensure - Penalties.

Any person establishing, conducting, managing, or operating a child care facility without a license under this act after August 1, 1972, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one hundred dollars ($100.00) for the first offense, and not more than two hundred dollars ($200.00) for each subsequent offense.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

X Records.

General records. The following records shall be kept on file and be made available to public health personnel:

Policies governing the child care facility.

Reports from the health department.

Reports from the fire department.

Other records as may be necessary and/or required.

312. Telephone

VI Buildings and Grounds.

A child care facility shall have a telephone if such service is available in the community.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

X Records.

The following records shall be kept and made available to the State Board of Health personnel on request:

Child records. A record shall be kept on each child with the application form containing the following information as a minimum:

Name of child.

Date of birth.

Home address.

Name of parent or guardian.

Home telephone number of parent or guardian.

Business address and telephone number of parent or guardian.

Name, address and telephone number of a responsible person to contact in an emergency if the parent or guardian cannot be located promptly.

Name, address and telephone number of a physician to call in an emergency.

Date of acceptance to the child care facility.

Date of withdrawal and the reason for withdrawal.

Any unusual condition.

Health records for child. The following health records shall be submitted to the child care facility on each child and shall be available to public health personnel:

A record of immunizations.

Pertinent past medical history.

Special abilities of the child as well as any physical or emotional problems.

Daily attendance record.

342. Staff

X Records.

The following records shall be kept and made available to the State Board of Health personnel on request:

Staff records. These shall include the following for each employee:

Name, age, address and telephone number.

Education, training and experience.

Health records including current health card issued or approved by the local county health department.

References - at least two.

Daily attendance record.

Date of employment and date of separation.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

MISS. CODE ANN. § 43-20-17 Information Confidential.
Information received by the licensing agency, through filed reports or as otherwise under this chapter, shall not be disclosed publicly in such manner as to identify individuals or facilities, except in a proceeding involving the question of licensure.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

VI Buildings and Grounds.

The building shall be staffed at all times by a responsible person who is eighteen (18) years of age or older while the center is in operation.

512. Health

III Licensure.

Licensee. A licensee applicant shall be eighteen (18) years of age or older and be of good health.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

VII Furniture and Equipment.

Each child care facility shall be equipped with toys and play apparatus to take care of the needs of the total group and to provide each child with a variety of activities. This equipment shall be accessible from low shelves to the children of all age groups.

Chairs and tables shall be of a size appropriate to the size of the children.

Individual hooks or compartments shall be provided for hanging or storing outer and/or extra clothing as well as for personal possessions.

613. Nap Provision

VIII Bedding Requirements.
Individual beds, cots, mattresses, pads or other acceptable equipment shall be provided for naps. These shall be kept in a sanitary condition; and, once a sheet or blanket has been used by a child, it shall not be used by another child until it has been washed or dry cleaned.

Whatever is used for naps shall be clean and covered with a waterproof cover.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

IX Sanitation.

The sanitation of areas, equipment, practices, etc. shall comply with the following regulations promulgated by the Mississippi State Board of Health:

"Regulation Governing Food and Food-Handling Establishments"

"Regulation Governing Disposal of Human Excreta and other Liquid Waste"

"Regulation Governing the Sanitation of Habitable Buildings"

"Regulation Governing Disposal of Refuse"

"Regulation Governing the Control of Flies, Mosquitoes, Rats and other Vermin"

In addition to Part A, Items 1 through 5 above, the following requirements shall also be complied with in a child care facility:

Water. The water supply shall be from a public water system or from a private system approved by the State Board of Health. Water shall be dispensed by the following:

Fountain.

Paper cups.

Labelled cup for each child which must be washed and sanitized daily.

Food services.

The kitchen shall be in a separate room and shall comply with the State Board of Health's "Regulation Governing Food and Food-Handling Establishments". Family Day Care Homes shall be exempt from the requirement for a handwashing lavatory in the food preparation area.

715. Daily Illness Screening

Not specified

486

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Mississippi State Board of Health, Minimum Standards for Nutritional Care in Child Care Facilities.

Provisions shall be made for a child who has a modified diet prescribed by a physician. The parent must submit a written diet for the child, including foods the child can and cannot have. This list with the child's name must be posted in the food service area.

720. SAFETY

721. General Safety Requirements

VI Buildings and Grounds.

The outdoor play space shall meet the following requirements:

The area shall be free of hazardous or potentially hazardous objects.

Unused electrical outlets shall be protected by a safe plug cover.

722. Fire Safety Requirements

VI Buildings and Grounds.

An adequate number and type of fire extinguishers for A, B, and C type fires shall be provided and serviced on an annual basis by a qualified fire extinguisher technician.

723. Transportation

Not specified

724. Safety Requirements for Equipment

VI Buildings and Grounds.

The outdoor play space shall meet the following requirements:

> Sand boxes shall be covered when not in use and the sand shall be changed periodically.

VII Furniture and Equipment.

All equipment shall be sturdy and safe and shall not have sharp edges, splinters, protruding nails, etc.

Paint on toys shall be lead free and non-poisonous.

725. Water Activities (Including Swimming)

VI Building and Grounds.

The outdoor space shall meet the following requirements:

> Swimming pools are prohibited unless protected by a six (6) foot fence and a locked gate.

726. Emergency Procedures

VI Buildings and Grounds.

A written evacuation plan to be used in the event of fire or other natural disaster shall be maintained in the facility at all times.

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

IX Sanitation.

Food services

Well planned meals shall be served at tables where each child may be seated. Meals shall meet the nutritional standards as prescribed in the nutrition manual for child care centers as published by the Mississippi State Board of Health.

Mississippi State Board of Health, Minimum Standards for Nutritional Care in Child Care Facilities.

For children ages one to six in a day care facility for five to nine hours, food that provides one-third to one-half of the Recommended Dietary Allowance shall be offered in one meal and one to two snacks.

For children ages one to six in day care facilities for more than 9 hours, food that provides one-half to two-thirds of the Recommended Dietary Allowances shall be offered in two meals and one to two snacks.

812. Waiver of Requirements

See 717. Medication and Special Diet Provisions

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Mississippi State Board of Health, Minimum Standards for Nutritional Care in Child Care Facilities.

Meal Time

Meals and snacks shall be served at regularly scheduled times each day.

Snacks shall be served at least one and one-half hours before a meal is served.

Breakfast shall be available for a child who has had no breakfast at home.

Sufficient time shall be allowed for children to wash their hands and calm down before they eat.

Mealtime shall be a relaxed, happy time for the children.

An adult supervisor shall be present while the children are eating.

Children shall be encouraged to eat but not forced to eat.

Menus

Menus shall be written one week in advance.

Menus shall be posted in the food preparation area as a reference for food purchases and food preparation.

Menus shall be posted in an area accessible to parents.

Changes in the menu shall be recorded and filed.

Menus shall be planned to include food with variety in texture, color, and shape.

New food shall be introduced to help develop good food habits. Introduce only one new food at a time.

Records of menus served shall be kept on file for a minimum of one year.

Food Preparation
A file of standardized recipes shall be used to prepare the food.

Foods shall be prepared in a form that is easy for children to handle. Bite size pieces and finger foods are suitable.

Foods shall be prepared as close to serving time as possible to preserve nutrients, flavor, and color.

Foods should not be highly seasoned. Children need to learn the natural flavors of food.

Raw vegetables shall not be served to children under two years of age.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Mississippi State Board of Health, Minimum Standards for Nutritional Care in Child Care Facilities.

For infants in day care facilities five to nine hours, food that provides one-third to one-half of the Recommended Dietary Allowances shall be offered in two or three feedings.

For infants in day care facilities for more than nine hours, foods that provide two-thirds to three-fourths of the Recommended Dietary Allowances shall be offered in three or more feedings.

Feeding infants should be geared to the recommended needs of the individual child. Consult Mississippi State Board of Health Infant Feeding Leaflets.

A written schedule for feeding the infant shall be submitted by the parent when the infant enters the day care program. The form should include all necessary information needed for feeding.

The feeding instructions for each infant shall be posted for quick reference for the caretakers.

The parents shall supply sufficient formula and foods for each day until the baby can begin to eat some foods prepared by the center. When the center supplies the formula, an acceptable method of sterilization must be used or commercially prepared ready to feed bottles.

Formulas prepared by the parents should be brought in bottles ready to feed. The bottles must be labeled with the baby's name. Refrigerate bottles immediately.

Baby food shall be brought in jars that have not been opened. The jars must be labeled with the baby's name.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

VI Buildings and Grounds.

All child care facilities shall comply with local fire, health, building and zoning ordinances. An inspection and approval by the health department and fire department shall be necessary for initial licensing and for renewal of license. Ground or first floor space is desirable. Space above first floor is undesirable and will be approved only after evaluation of construction, exits, fire escapes, etc., using the current edition of the Life Safety Code as the authority for fire safety.

A minimum of thirty-five (35) square feet of usable indoor floor space shall be provided for each child. This shall not include hallways, bathrooms or kitchen. A separate space shall be provided for the use of ill or injured children until they can be picked up by their parent or guardian. It shall be located in an area that can be supervised at all times by a staff member.

The floor and/or floor covering shall be in good condition and easily cleanable. Torn or worn covering shall be replaced to prevent accidents.

Walls shall be kept clean and free of torn paper, broken plaster and holes. No paint that contains lead compounds shall be applied to interior walls or woodwork.

The outdoor play space shall meet the following requirements:

> There shall be an approved area with a barrier with a minimum height of four (4) feet around it containing at least seventy (70) square feet per child.
>
> The area shall be well drained.

Laundry equipment shall not be located in food preparation or food service areas in a day care center.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

VI Buildings and Grounds.

Steam, hot water or warm air systems employing central heating plants or Underwriters Laboratories approved electric heating are preferable. The use of portable heaters is prohibited. If steam or hot water systems are used, they shall be protected by screens and guards that do not have sharp corners or projections.

If gas heaters are used, they shall comply with the following:

> The flame shall be recessed and enclosed with a guard so designed that clothing or other inflammable material cannot be ignited.
>
> Each heater shall be equipped with a safety device that will shut off the gas supply if the pilot light is extinguished.
>
> Each heater shall be vented to the outside.
>
> Each heater shall be approved by Underwriters Laboratories or American Gas Association.

Floor furnaces shall be protected by an adequate barrier to prevent children from having access to them and if such barrier restrains easy passage through a hallway or small room, any dead end created by such barrier shall not be used by the children, and if passage between the two main exits is hampered, other exits or other means of heating shall be provided.

The heating shall be adequate to maintain a temperature of between 68 and 72 degrees at child's height. An accurate thermometer shall be hung in each room.

All parts of the child care facility building used by children shall be well heated, lighted, and ventilated.

1430. EXITS

VI Buildings and Grounds.
At least two separate exits shall be provided from every floor level.

Exits shall be remote from each other. Dead end corridors are undesirable and in no case shall exceed thirty (30) feet.

Exits necessitating passage through a kitchen shall not be counted as one of the two remote exits.

Exit doors shall be a minimum of 32 inches wide and open outward. No single leaf in an exit door shall be less than 28 inches wide nor more than 48 inches wide.

Any latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar or other simple type of releasing device.

An exit door shall not reduce the effective width of a stair or landing.

The force required to fully open exit doors shall not exceed 50 pounds applied to latch stile.

1440. TOILETS AND LAVATORIES

IX Sanitation.
Toilets and Handwashing. These shall be located convenient to inside and outside play areas, and the following ratios shall be met as a minimum:

Number of children	Number of toilets and handwashing lavatories
1 - 15	1 of each
16 - 30*	2 of each
31 - 45*	3 of each
46 - 60*	4 of each
61 - 75*	5 of each
76 - 90*	6 of each

* "Requirements which are not applicable to a Family Day Care Home"

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

VI Buildings and Grounds.

Plans and specifications shall be submitted to the Division of Child Care Services of the Mississippi State Board of Health for approval on all proposed construction and/or major renovations.

1540. HEALTH

See 1550. SANITATION

1550. SANITATION

See 714. Sanitation

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Missouri Department of Social Services, Licensing Regulations for Child Day Care Facilities, Chapters 61 - Licensing of Child Day Care Facilities and 63 - Licensing of Day Care Centers, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

MO. REV. STAT §210.201 Definitions.
"Day care home" or "day nursery" shall be held to mean a house or other place conducted or maintained by any person who advertises or holds himself out as providing care for more than four children during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment as a convenience for its customers, and except boarding homes for children.

40.61.010 Definitions.
"Day care" is care of a child away from his own home for any part of the 24 hour day, for compensation or otherwise. Day care supplements parent responsibility for the child's protection, development, and supervision. Day care may be given in a family home or a day care center.

"A day care home" is a family home, occupied by the day care provider, in which care is given to ten children or less, not related to the day care provider for any part of the 24 hour day. Where there are more than four such children, the home must qualify for state license.

112. Exclusions and Exemptions

Not specified

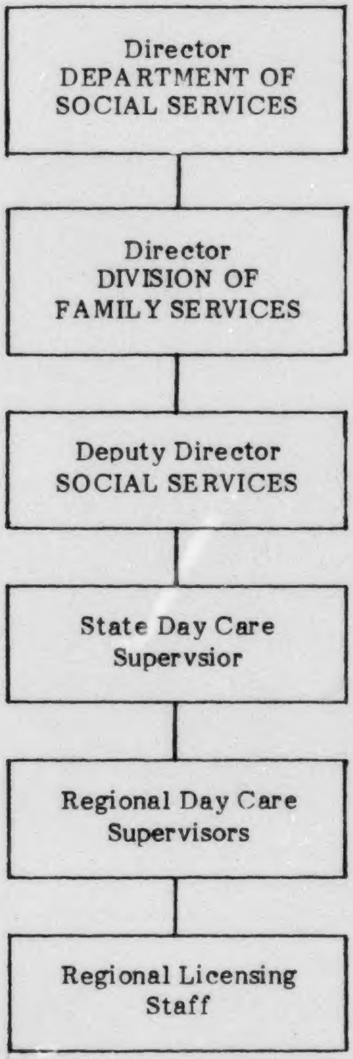
"A day care center" is a group program providing care for more than ten children in a family home, occupied by the day care provider, or more than four children in a facility other than a family home, for any part of the 24 hour day and shall meet licensing requirements set forth for such services.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Director
DEPARTMENT OF
SOCIAL SERVICES
Director
DIVISION OF
FAMILY SERVICES
Deputy Director
SOCIAL SERVICES
State Day Care
Supervsior
Regional Day Care
Supervisors
Regional Licensing
Staff

All licenses are issued and revoked from the central office level for all forms of child care. Licensing staff are housed in three regions but are centrally supervised.

122. Responsible Official

All inquiries should be addressed to:

State Day Care Supervisor
Division of Family Services
Department of Social Services
P. O. Box 88
211 Metro Drive
Jefferson City, Missouri
(341) 751-2450

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

MO. REV. STAT §210.221 Division of Family Services to Issue Licenses, Fix Standards and Make Investigations.

The Division of Family Services shall have the power and duty to promulgate and issue uniform rules and regulations as said division deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

40.61.020 Licensing Information - Application.
Any organization or person planning to offer day care to five or more children, except those coming under the exception of the law must apply for license and meet the licensing regulations before accepting more than four unrelated children for care.

A licensing investigation will be made, and include whenever possible a pre-application office interview to discuss licensing requirements.

The following materials are to be submitted to the Division of Family Services in advance of license issuance:

> Application for license signed either by the person, partnership, or, if a corporation, the chairman of the board.
>
> Evidence of compliance, if applicable, with local regulations with respect to building requirements, zoning, sanitation, and fire and safety.
>
> Evidence of compliance, if applicable, with State Fire Marshal requirements for fire and safety protection and with the State Division of Health and sanitarian's requirements.
>
> A sketch, diagram, or print of the home or building showing:
>
>> Arrangement of the rooms, including location of toilet facilities, position of windows and doors, and dimensions of the space to be used for and by the children.
>>
>> Outdoor play area with dimensions.

Outline of planned daily activities.

A sample weekly menu.

A list of materials and equipment on hand to be used by the children.

If not incorporated, names and addresses of two persons, not related, who have knowledge of character, experience, and ability of the applicant(s) to serve as references.

Sample forms, if any, of an admission card, information sheet for parents, health forms, etc.

Upon compliance with licensing regulations and receipt of the recommendation of licensure based on the licensing investigation, a Certificate of License is issued for a period not to exceed one year. It is subject to renewal on reapplication and reinvestigation.

The license applies only to the person, persons, or organization to whom it is issued. It is not transferable, and any change in ownership voids the Certificate of License. A new owner, operator, or provider must make initial application and have a new license issued based on compliance with regulation prior to assuming operation of the day care facility even if day care is to continue at the same location.

The license applies only to the address for which it is issued. If a day care provider or operator moves, he or she must apply for a new license. A licensing investigation must be made, and a new license will be issued based on compliance with the regulations. Any provider or operator who wants licensing to be continuous should, if possible, submit material for the new license two months in advance of the move.

The license is the property of the issuing authority and is subject to revocation upon failure to comply with the licensing requirements.

The Certificate of License shall be posted in a conspicuous place at the day care facility. When the license expires, however, or is otherwise voided, it shall immediately be removed from display and in no way be used as a mark of certification.

The number and ages of children a day care facility is authorized to have in care on the premises at any one time will be specified on the license and shall not be exceeded, except as permitted in 13 CSR 40-62.070.

222. Fee Charged

40.61.020 Licensing Information - The License.
There is no fee for the license or any service rendered by personnel of the Division of Family Services. Fees for local permits are the responsibility of the applicant or licensee.

223. Areas of Investigation

40.61.020 Licensing Information - The Licensing Investigation and Report.
A licensing investigation and report will be compiled by the licensing worker or representative of the Division of Family Services consisting of the application, materials submitted by the applicant, and a report based on visits to the facility to determine whether or not the facility has met licensing requirements.

The licensing report must show compliance with all the regulations for the type of care to be given. It shall include the worker's recommendation on licensure indicating that the applicant is deemed qualified and equipped to render care conducive to the welfare of children, as required by law.

If licensing requirements are not met within six months of the filing of the initial application, the application becomes obsolete. If license is still desired or necessary a new application must be filed.

224. License Renewal

40.61.020 Licensing Information - Licensing Renewal.
An application for license renewal shall be completed and filed prior to expiration of the license. In addition, the following materials are necessary along with the renewal application and should be submitted thirty days in advance of expiration so that a redetermination of conformity with all the regulations can be made:

Evidence of compliance with local ordinances, as applicable.

Evidence of compliance with State fire and Safety and State Department of Health requirements, if applicable.

Health reports on file at the facility on all persons working at the facility and/or all adult members of a home who have direct contact on a regular basis with the children.

Current health reports on file at the facility on all the children in care.

Day Care Center applicants shall submit:

Evidence of financial soundness with one of the following:
- Proposed annual budget.
- Profit and loss statement for the last year.
- Balance sheet.

Statement from a Certified Public Accountant or accountant that the provider is financially sound at the time of application. This should be on letterhead stationery.

A written narrative description of child caring practices and concepts, proposed activities, and daily schedule for each age group in care.

Upon receipt of the renewal application and the above material, the licensing worker or representative of the Division of Family Services will make a reinvestigation and a recommendation on licensure will be made based on compliance with regulations for licensing. It shall be indicated whether or not the applicant is deemed qualified and equipped to render care conducive to the welfare of children.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

40.61.020 Licensing Information.
After issuance of license, a worker will continue to visit the day care facility throughout the year for supervision or consultation, or both. Visits may either be on an announced or unannounced basis, and will be at varying times during the hours that care is provided.

232. Denial, Suspension, Revocation of a License

MO. REV. STAT. §210.221 Division of Family Services to Issue Licenses, Fix Standards and Make Investigations.

The Division of Family Services shall have the power and duty to investigate the conditions of the homes and other places defined herein, inspect their books and records, premises and inmates, examine their officers and agents, and revoke the license of such persons as fail to obey the provisions of this act or the rules and regulations made by the Division of Family Services.

233. Remedies and Sanctions

233.1 Hearings

40.61.030 Hearings and Judicial Review.

Ten days notice, specifying reasons for proposed revocation, shall be afforded all persons before a revocation occurs. If a request for hearing, either written or verbal, is received within a ten day period, revocation shall not occur until the decision of the hearing officer upholding the revocation decision is issued.

Any person wishing to appeal the administrative decision of the Division shall be entitled to judicial review.

233.2 Decisions

See 233.3 Judicial Review

233.3 Judicial Review

MO. REV. STAT. §210.241 Judicial Review.

Any person aggrieved by a final decision of the Division of Family Services made in the administration of section 210.201 to 210.245 shall be entitled to judicial review thereof as provided in chapter 536, RSMo. Laws 1969.

MO. REV. STAT. §210.245 Violation a Misdemeanor.

Any person who violates any provision of sections 210.201 to 210.245, or who for himself or for any other person makes materially false statements in order to obtain a license or the renewal thereof under sections 210.201 to 210.245, shall be guilty of a misdemeanor. In case such guilty person be a corporation, association, institution, or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

40.61.020 Licensing Information - Application.

In addition, applicants for license to operate a day care center will also submit:

A proposed annual budget showing a plan for financial support, including a schedule of fees to be charged.

A written narrative description of child caring practices and concepts, proposed activities, and daily schedule for each age group in care.

If incorporated, articles of incorporation.

Statement of responsibility and delegated authority of a director or administrator if other than the owner. If the facility is operated by a board of directors, there shall be established written operating rules and lines of responsibility.

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Verification of the director's education or experience, or both.

40.63.020 Organization and Administration - Organization.
The organization of each day care center shall be such that legal responsibility is clearly defined and administrative authority specifically placed.

The person, corporation, partnership, or organization operating a day care center shall be responsible for:

All debts and obligations.

Establishment of a program of care based on sound health, education, and child welfare practices.

There shall be clearly set forth in writing a statement of the authority and responsibilities delegated to a director, administrator, or supervisor, if other than the owner. When the responsibility for operation of a center rests with a board of directors, the board shall establish written policies and procedures which clearly establish the lines of responsibility governing the operation of the center. These shall include a statement of the kind and extent of authority delegated to the director employed to carry out the purpose of the program.

40.63.095 Records and Reports.
The day care center shall be responsible for keeping records to meet administrative requirements and to insure knowledge of individual needs of children and families.

The day care center shall keep records of daily attendance.

Reports to the Division of Family Services shall be submitted as required.

312. Telephone

40.63.040 Physical Plant
The day care center shall be equipped with a telephone in working order.

313. Proof of Operator Financial Capabilities

40.63.020 Organization and Administration - Finances.
Sufficient funds shall be available at all times to care for the children in accordance with the licensing requirements of the Missouri Division of Family Services.

Financial records, including income and expenditures, shall be maintained in sufficient detail to show the financial soundness of the day care center. These records shall be available for review by the Division of Family Services.

40.63.095 Records and Reports.
Each day care center shall keep bookkeeping and other financial records pertinent to the operation of the service.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

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330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

40.61.020 Licensing Information - Discrimination Prohibited.
A licensed day care facility shall not deny a child admission or the benefits of any program provided by the facility on the basis of race, color or national origin. Every licensed day care facility shall have on file with the Division of Family Services a written assurance provided by the Division of Family Services that the facility will not deny a child admission or the benefits of any program provided by the facility on the basis of race, color or national origin. The written assurance shall be submitted with the application for license or with first application for license renewal made after the effective date of this section.

340. RECORDS REQUIREMENTS

341. Children

40.63.095 Records and Reports.
Case Records. A complete and current record shall be maintained for each child and shall be readily available at all times. The record on each child enrolled shall include the following:

Identifying information including:

- Child's full name, birthdate, and current address.
- Father's full name.
- Mother's full name.
- Addresses of both parents, if available.
- Name, address, telephone number (home and business) and signature of person or persons responsible for child.
- Name of person authorized to take child from the center.
- Name, addresses, and telephone numbers of relatives.
- Name, address, and telephone number of physician or clinic to be called in an emergency.

Health information including:

Physician's pre-admission report.

Instruction for action to be taken in the event parent or physician designated by parent cannot be reached.

Authorization for any special medications.

Continuing health information including:

Information on illnesses or medications administered while enrolled in the day care center.

Information concerning any accident or injury to the child while at the day care center or any emergency medical attention.

Any significant information learned from observing the child.

Annual physical examination report.

Information about enrollment and attendance including dates of admission and discharge.

342. Staff

40.63.095 Records and Reports.
Personnel records which include the physician's report on each member of the staff (including the director) shall be kept by each day care center.

343. Child Eligibility and Enrollment Requirements

40.63.030 Admission Policies and Procedures.
Each day care center shall establish written policies pertaining to admission, care, and discharge of children, and provide them to parents at time of enrollment.

Only children two years of age and older shall be accepted for care unless the facility has been specifically licensed as an Infant-Toddler center and meets standards for that type of care.

If evening and/or nighttime care is to be offered on a regular basis, standards shall be met as set forth for that type of care and the center will be specifically licensed as an Evening and/or Nighttime Care Center. If the regularly scheduled hours for daytime care extend slightly into evening or nighttime hours, however, this will be recognized in the licensing investigation and no special mention will be made on the license. Normally, however, children who have been in care all day should not remain in a day care center beyond 6 p.m. nor should they be in care longer than 10 hours.

Children shall be regularly enrolled for every day of the week (5 or 6 days) or for specific days of the week and shall not be accepted for hourly, intermittent care. When a day care center provides intermittent, hourly care, it shall limit service to this kind of care and shall meet standards set forth for that type of care.

Each day care center shall develop a procedure for admitting children which shall include the following:

> A personal interview or interviews with a parent to exchange information and to arrive at a joint decision about admitting the child.
>
> A plan for continuing relationship between the day care center and the parent(s) through scheduled conferences, written progress reports, or the like.
>
> A plan for admitting the child to the day care center that allows for gradual orientation to include a pre-admission visit by the child.
>
> The following information shall be obtained by personal interview:
>
> All identifying information.
> All health information.
> Information regarding a child's personal development, behavior patterns, habits, needs, etc.

Assurance that the parent has a practical and realistic way of providing for the care of his child when ill.

Instructions as to the action to be taken in case the parent or physician designated by parent cannot be reached in the event of an emergency.

344. Child Abuse Reporting

40.63.095 Records and Reports.

All day care providers shall acquaint themselves with the Child Abuse Law and shall make a report of any suspected child abuse to the Child Abuse and Neglect Unit of the Division of Family Services at the toll free number 1-800-392-3738.

345. Confidentiality of Records Requirements

40.63.095 Records and Reports.

All records shall be confidential and shall be protected from unauthorized examination.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

40.63.060 Personnel.

There shall be at least two adults on the premises at all times, except when there are ten or fewer children. There shall be someone with the children at all times.

Child/Staff Ratio.

For ages 2 to 3 years. Groups composed solely of two year old children shall have no less than one adult to eight children and no more than eight children in a group.

For ages 3 through 5 (Not in School). Groups composed solely of three, four and/or five year olds who are not in school shall have not less than one adult to 10 children.

For ages 5 and up (In School). For groups composed solely of children who are five years old and older who are in kindergarten or school, there shall be no less than one adult to every fifteen children.

For Mixed Age Groups ages 2 and up. Groups composed of mixed age groups of two years and older shall have no less than one adult to ten children with a maximum of four two year olds. If children are in a large open grouping, the 1:10 child/staff ratio must be maintained at all times.

Age of Children	Number per Adult	Size of Group*
2-3	8	8
3 through 5 (not in school)	10	*
5-up (in school)	15	*
2-up (maximum of four two year olds)	10	*

* Size of group is left open for ages three years and up to allow flexibility in programming.

The Director or Supervisor.

There shall be a responsible person in charge of the day care center at all times.

The duties and responsibilities of the director or supervisor shall be clearly defined in writing.

When a center cares for more than 30 children, additional staff shall be provided to do the cooking, housekeeping, and maintenance. Teaching or aid staff should not be expected to do this routinely.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

40.63.060 Personnel.

Only persons 18 years of age and older shall be counted in meeting the required staff/child ratio. In case of an emergency, there shall be another adult available to immediately be in charge of the group without neglecting another group of children.

512. Health

40.63.060 Personnel.

All persons employed by a day care center who will be in direct contact on a regular basis with the children shall be in good physical and emotional health, as established by a physician.

40.63.070 Health Examinations - Staff and/or Volunteers.

All persons employed by the center or who volunteer on a regular basis shall be in good physical and emotional health free of contagious disease or disabilities that would have a harmful effect on the child. This shall be established by a physical examination performed within at least 90 days prior to employment. Such examination shall include a tuberculin skin test or a chest X-ray so that the medical report will indicate that the individual is free of tuberculosis or contagion. It shall be performed annually thereafter.

No one shall begin work with the children in a center until the physical examination report is on file at the center. There shall be a current physical examination report on each staff member and/or regular volunteer on file.

Staff and/or volunteers shall not work when ill if the health of the children would be endangered.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

40.63.060 Personnel.
The director or supervisor must have completed and received credit for at least 60 college hours in an accredited college or university which shall include courses in education, psychology, or related fields. Two years of responsible supervised full-time paid experience in working with children in a child care setting may be substituted on a year for year basis for the educational requirement of 60 college hours. Note: The educational/experience requirement for the director will be waived for any facility classified as a group home at the time these rules go into effect that is reclassified now as a day care center under these revised rules.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

40.63.060 Personnel - Clerical, Cooking, Housekeeping, and Maintenance Staff. Persons employed solely for clerical, cooking, housekeeping, and maintenance shall not be included as child-caring staff in the child/staff ratio. These persons may be used as emergency substitutes if personal qualifications and duties permit.

Other Professional or Paraprofessional Staff. When the day care center employs or uses professional staff such as physicians, dentists, psychiatrists, social caseworkers, psychologists, or nurses, these persons shall meet the professional standards set for these particular fields. Paraprofessionals in those fields must be under the direct supervision of a qualified professional.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

40.63.080 Daily Activities and Care of the Child - Daily Activities.
Daily activities and experiences appropriate to the interests, needs, and desires of the children in care shall be provided. These shall include educational play experiences and free choice of play, allowing for both group activities and individual interests.

Children shall be given encouragement, stimulation, and guidance in physical, mental, emotional, and social adjustment.

The daily schedule shall provide a certain amount of regularity to permit the children to have:

> The security of knowing what comes next.
>
> A regular schedule of physical routines, meals, snacks, naps, and toileting.

Provision shall be made for alternate periods of active play and quiet periods. There shall be a quiet period before lunch, before unusually stimulating experiences, and after vigorous play.

Children who need special attention (new children having problems adjusting, emotionally upset children, etc.) shall be given time on an individual basis. Children shall be encouraged, but not forced to participate in group activities.

There shall be a variety of materials and activities provided which will permit children to make choices.

Toys and materials for the children's use in self-directed activities shall be accessible to the children. The children shall be allowed and encouraged to help themselves during the day between activities or at quiet times.

There shall be opportunities for children to play alone as well as in groups.

Provision shall be made for both indoor and outdoor play with at least one hour of outside activities, except in extremely inclement weather or if health of child indicates he should remain inside.

Field trips or excursions away from the center may be made provided there is written parental consent on file and parents are notified each time prior to a trip. Child/staff ratio shall be maintained on field trips.

612. Program Equipment and Materials

40.63.050 Furniture, Equipment, and Materials - Tables and Chairs.
Each child shall have a chair and sufficient table space for eating and table activities.

Chairs shall be proportioned so that the children's feet can be firmly on the floor when they are sitting back as far as possible on the chairs.

Play Materials and Equipment.

Educational and developmental play materials and equipment in sufficient variety and quantity to meet the interests and needs of the children accepted for care shall be provided.

All equipment shall be kept in good condition, free of sharp, loose, or pointed parts, and well-painted. Only lead free paint shall be used.

Furniture and equipment shall be arranged so as not to interfere with exits.

613. Nap Provision

40.63.050 Furniture, Equipment, and Materials - Tables and Chairs.
Sleeping Arrangements.
There shall be a cot or bed and appropriate bedding (a sheet and blanket) for each child who naps. Cots shall be well-constructed.

Unless cots are kept permanently in place in a separate room they shall be of light weight and capable of being easily folded or stacked.

There shall be sufficient space in the sleeping room to allow at least two feet on all sides of cots except where it is in contact with the wall.

40.63.080 Daily Activities and Care of the Child - Daily Activities.
The daily schedule shall provide a certain amount of regularity to permit the children to have a regular schedule of physical routines, meals, snacks, naps, and toileting.

614. Discipline and Guidance

40.63.080 Daily Activities and Care of the Child - Discipline.
The day care center shall use only constructive methods of discipline. Corporal punishment including spanking, shaking, and slapping shall not be used.

As discipline is a part of education in preparing a child for social living and group participation, any technique which is humiliating or frightening to the children shall not be used.

Punishment or threat of punishment shall not be associated with food, rest, isolation for illness or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

40.63.040 Physical Plant.
The walls and floors shall be finished so as to be free of cracks and splinters and easily cleaned. Lead free paint shall be used for all painted surfaces.

The physical plant shall be reasonably clean and tidy at all times, free from dirt and any evidence of vermin, flies, and rodent infestation.

712. Health Assessments

40.63.070 Health Examinations - Children.
The day care center shall require prior to admission of a pre-school child a physical examination report made within the past twelve months which indicates the child is in adequate health and without handicapping conditions or illness which would make his participation in group care inadvisable. For the school-age child, a report shall be provided by the parent(s) at the time of enrollment indicating the child's health history and any restrictions necessary for his/her care.

There may be an occasional situation where the need for day care is urgent and a medical report cannot be secured before admission. In such circumstances when the general health appraisal is adequate, the child may be enrolled but the medical statement must be provided as quickly as possible and in no instance later than thirty days.

713. Immunizations

Not specified

714. Sanitation

Not specified

715. Daily Illness Screening

40.63.080 Daily Activities and Care of the Child - The Ill Child.
Children shall be observed for contagious diseases and other signs of illness not only on arrival, but all through the day.

716. Care of Sick Children

40.63.080 Daily Activities and Care of the Child - The Ill Child.
When any communicable disease occurs in the center every child's parent shall be notified individually and immediately.

In case of illness, accident, or injury to any child, the day care center shall make prompt arrangements for notification of parent or guardian and for medical care if necessary.

Parents shall be notified immediately of any illness or injury to the child in the day care center and specific instructions regarding action to be taken shall be obtained.

Space shall be provided for the isolation of children who develop signs and symptoms of illness during the day. This shall be an area not used by other children.

A staff member shall always be within range of a sick child's call, or in close attendance if needed.

An ill child shall be kept in isolation in the day care center only until his parent or responsible person can come for him. The parent shall be notified immediately when a child becomes ill and requested to come for the child at once.

717. Medication and Special Diet Provisions

40.63.080 Daily Activities and Care of the Child - The Ill Child.
It is recommended that medications not be administered at a day care center. This responsibility should be left with the parents at home. For special cases, the giving of medication shall be the responsibility of the director or supervisor when authorized in writing by the parent and upon written direction of a physician in cases of prescribed medications.

Medication shall be labeled with the child's name, the name of the drug, and the directions for its administration. It shall be carefully stored and returned to the parents or discarded when no longer needed. The date and time of administration, the name of the person giving medication and quantity of any medication given shall be entered on the child's record.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

40.63.040 Physical Plant.

The physical plant shall be safe and suitable for the care of children and for the program of activities.

The day care center shall be located in an area which offers no hazards to the health, safety, or welfare of the children.

Fireplaces and open-faced heaters, hot radiators, or floor furnaces shall be protected by screens.

Open windows shall be securely screened. Safeguards to prevent children from falling from window openings shall be provided.

Clear glass doors shall be plainly marked at varying heights to avoid accidental impact.

All flammable liquids, cleaning supplies, poisonous materials, guns, firearms, or other dangerous items shall be stored so as to be inaccessible to the children.

For the health and safety of the children, smoking shall be permitted only in a designated area away from the children.

Outdoor Play Space.

The surface of the playground shall have good drainage and be safe, suitable for the children's activities, free of hazards such as broken glass, and other debris.

The playground shall be well maintained.

The area under climbing equipment, swings, slides, and other equipment from which children might fall shall be of resilient materials such as sand, grass, tanbark, rubber matting and the like.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

40.63.040 Physical Plant.

Swimming and/or wading pools shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

Swimming pools and/or other areas such as ponds, lakes, or rivers shall be fenced to prevent accidental or chance access by children. Wading pools that are left filled with water when not in use shall also be protected in some way.

The water in the pool or other water areas shall be treated, cleaned, and/or maintained in accordance with health practices and regulations as determined by the local or state health authority.

726. Emergency Procedures

40.63.080 Daily Activities and Care of the Child - Daily Activities.

Evacuation drills for emergencies such as fires, tornadoes, etc. shall be practiced regularly with staff and children participating and the plan shall be posted in a conspicuous place.

727. First Aid Supplies

40.63.080 Daily Activities and Care of the Child - The Ill Child - First Aid.
The day care center shall maintain first aid supplies sufficient to care for minor injuries.

The first aid supplies shall be kept in a room or cabinet which is inaccessible to the children.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

40.63.090 Nutrition and Food Service.
The diet shall be planned according to recognized nutritional standards. The day care centers shall provide the child with approximately one-third to one-half of his daily food needs.

A morning snack of fruit juice, raw fruit or vegetable, or other light food and an afternoon snack of milk and crackers, fruit juice, raw fruit or vegetable, or similar food shall be served to the children.

Meals shall be balanced and contain a portion from each of the four basic foods.

One serving of milk per child shall be served daily.

Children shall be allowed ample time to eat and shall not be forced to eat.

Drinking water shall be readily available and conveniently located both to the playrooms and to the playground so that the children are free to drink as they wish.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

40.63.040 Physical Plant - Indoor Space - Kitchen.

The kitchen of the day care center shall be equipped with stove, sink, hot and cold running water, refrigeration, and storage space for food, dishes, and cooking utensils, a dishwasher approved by the Division of Health, a three-vat sink, or other substitute approved by the Division of Health.

Kitchens shall not be used for children's play activities, unless they are adult supervised and part of the learning program.

Kitchens shall not be used for napping nor as passageways for children.

40.63.090 Nutrition and Food Service.

The water and milk supply and the method of dispensing shall be approved by the local or state health authorities.

Sanitation and health standards in conformance with applicable state and local laws and regulations shall be maintained in the storage, preparation and service of foods. Powdered non-fat dry milk shall not be used except for cooking purposes.

Written menus shall be posted or copies provided to the parents to make it possible for the parents to provide the balance of the child's dietary needs on a planned basis.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

40.63.095 Records and Reports.

Periodic reports (not necessarily written) shall be submitted to parents on health, behavior, and adjustment of the child.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS (Infant/Toddler Care)

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS (Infant/Toddler Care)

1130. INFANT NUTRITION

See DAY CARE CENTERS (Infant/Toddler Care)

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

40.63.030 Admission Policies and Procedures.

Children who have been diagnosed as physically handicapped, emotionally disturbed, or developmentally disabled shall be accepted only upon referral from a professionally qualified source and an individualized plan for specialized care shall be on file.

40.63.098 Special Services.
When day care centers are responsible for the administration of special services such as case work, psychological counseling, medical or psychiatric diagnosis and/or treatment, such services shall be carried out by persons who meet the educational and experience qualifications required in the field of specialization.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

40.63.080 Daily Activities and Care of the Child - Daily Activities.
Naptime - There shall be nap or rest time for children who spend a full day at the center.

Children shall be supervised by a responsible adult in close proximity to the children throughout the nap period. The child/staff ratio shall be maintained on the premises with an evacuation plan worked out for each group in case of emergency.

If two years old are in care, they shall be napped in an area separate from the others so they can sleep undisturbed longer than the older children.

Preschool children who do not sleep shall not be forced to remain on their cots longer than one hour.

> School-age children can be encouraged to have a "quiet" time in the early afternoon but shall not be forced to nap.

When school-age children are accepted for day care the daily program shall be designed to supplement both school and home life in the following manner:

> The program shall give freedom appropriate to the age and provide opportunities for self-initiated and group-initiated activities that foster self-reliance and social responsibility.
>
> Arrangements shall be made for all children to participate in indoor and playground activities that are stimulating and challenging to them.
>
> Areas shall be set aside for rest and solitary activities.
>
> The school-age program shall not be a structured academic program.
>
> The school-age children shall be permitted to engage in activities outside the center in accordance with written notification and consent of the parents and the ability of the day care facility to offer proper controls.
>
> Some of the activities of school-age children shall be "real-life experience activities" and activities which are realistically related to the community in which the children live.
>
> School-age boys and girls shall be given privacy in toileting.
>
> After-school snack shall be provided.

1320. HEALTH AND SAFETY REQUIREMENTS

40.63.040 Physical Plant - Indoor Space.
When the day care center cares for school-age children, there shall be space apart from the preschool program for their use.

When a day care center offers care for school-age children, separate toilet facilities shall be provided for the school-age boys and girls, except those caring for kindergarten children (not older school-age) in connection with preschool program.

1400. FACILITY REQUIREMENTS

1410. SPACE

40.63.040 Physical Plant - Indoor Space.
The area designated for child care shall provide a minimum of 35 square feet of useable floor space per child, occupied only by the children's play material and equipment. Floor space occupied by permanent built-in cabinets and shelves or large pieces of furniture or equipment not intended for children's use may not be considered as useable floor space, nor can kitchen, halls, and bathroom areas be counted. If cots or cribs for napping are left consistently in place, this space cannot be counted as useable square feet of floor space.

In a center located in a family home the area used for child care shall be separate from the family living quarters. Note: Any group home licensed for ten to fifteen children on the date these regulations become effective shall be exempt from this requirement provided the license continues for no more than fifteen children.

There shall be storage space for play materials and equipment used by the children, some of which is accessible to the children.

There shall be space for a child's clothing and other personal belongings accessible to the child.

Space shall be so arranged to permit a variety of play activities to be carried out at the same time without interfering with each other.

Space shall be provided for office equipment, making and keeping records, and for transaction of business. This shall not interfere with the children's play area.

An area for staff breaks, separate from the children shall be provided.

Outdoor Play Space.

There shall be an outdoor play area fenced and conveniently located to permit children to reach it without hazard. (Exception: centers used exclusively for school-age children shall not be required to have a fence).

There shall be a minimum of 75 square feet per child of outdoor play area at time of use with sufficient area available to accommodate one-third the licensed capacity at one time.

40.63.050 Furniture, Equipment, and Materials.
There shall be space provided for each child's clothing and personal belongings.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

40.63.040 Physical Plant.
All rooms used by the children shall be maintained at no less than 68 degrees (20 degrees Centigrade) two feet from the floor.

Air conditioning, if used, and heating equipment installation shall be subject to approval by the authority having proper jurisdiction.

Artificial and/or natural lighting shall supply at least 10 foot candles of light in each room used by the children as determined by the Division of Health.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

40-63.040 Physical Plant - Indoor Space - Toilet and Handwashing Facilities.
One flush toilet and one running water handwashing facility shall be required for every fifteen children.

Toilet and handwashing facility shall be convenient and accessible for the children's use and in worker order.

Soft paper towels or individual towels and wash cloths shall be provided for each child.

If a center is licensed for more than fifty children, a separate bathroom must be available for staff use.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

40.63.040 Physical Plant.
The building and premises shall conform to construction, maintenance, water supply, zoning and sanitation requirements of the locality and/or the state regulations of the State Fire Marshal and the Division of Health.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are from the Missouri Department of Social Services, Licensing Regulations for Child Day Care Facilities, Chapter 64, Infant and Toddler Day Care Centers, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

40-64.010 Definition and Licensing Information.

A day care center for infants and toddlers is defined as a facility giving care to children ages six weeks to thirty-six months, either exclusively or in a unit auxiliary to a day care center for older children. Missouri Statute 210.201 - 210.245 requires that any facility caring for more than four children shall be licensed.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

40-64.010 Definition and Licensing Information.

Day care centers providing care for infants and toddlers shall meet all the requirements as set forth in this section as well as those given in 13 CSR 40-63.010 through 13 CSR 40-63.098 except those in sections (1) and (2) of rule 13 CSR 40-63.050, sections (3), (4), and (6) of rule 13 CSR 40-63.060, section (2) of rule 13 CSR 40-63.070, and section (1) and (2) of rule 13 CSR 40-63.080. Rule 13 CSR 40-63.090 shall apply to Nutrition and Food Service to children old enough to eat table food.

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

40-64.020 Organization and Administration.
If a day care center accepts infants and toddlers, the play and sleeping space, bathrooms, equipment, supplies, and staff for the infants and toddlers shall be separate from those used for older children.

If infant/toddler care is provided in a unit auxiliary to a licensed day care center for older children, two-year-old children may be cared for either in the infant/toddler unit or in the unit for older children. Each child shall be evaluated on an individual basis and he/she shall be moved to the unit for older children when he/she is ready developmentally.

An infant/toddler unit which is auxiliary to a licensed day care center for older children, shall not care for children older than 36 months unless the total number of children in care is four or fewer.

40-64.060 Personnel.
The center shall arrange to have the consulting services of a pediatrician, other duly licensed physician or registered nurse available to them.

312. Telephone

See DAY CARE CENTERS

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS

314. Insurance

See DAY CARE CENTERS

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

See DAY CARE CENTERS

340. RECORDS REQUIREMENTS

341. Children

See DAY CARE CENTERS

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

See DAY CARE CENTERS

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

40-64.060 Personnel.

The following child/staff ratios shall be maintained at all times:

For ages 6 weeks to 2 years. A group composed solely of children under 2 years of age shall have no less than one adult to four children.

For ages two years to three years: A group composed solely of children ages two years to three years shall have no less than one adult to eight children.

For mixed age group ages 6 weeks to three years. A group composed of children ages 6 weeks to three years shall have no less than one adult to four children.

There shall be no more than one group of infants and/or toddlers in a room or no more than three groups of two year olds in a room. If a large room is used, there shall be partitions or dividers at least five feet in height used to separate the infant and toddler groups.

Persons performing clerical, cooking, housekeeping, and maintenance duties shall not be included as child care staff in computing the child/staff ratio.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

40-64.060 Personnel.
A group shall not be larger than eight children.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

40-64.070 Health Examination.
The requirements for health examination for staff and volunteers as given in 13 CSR 40-63.070 (1) shall be met.

513. Education

40-64.060 Personnel.
The director or supervisor of an infant/toddler center (or unit) shall meet the education or experience requirement as given in 13 CSR 40-63.060(5) with the additional option that a licensed Registered Nurse shall be considered fully qualified and a licensed Practical Nurse shall be credited with one year of the two years of required supervised experience.

If infant/toddler care is offered in an auxiliary unit to one for older children, there shall be a qualified supervisor for each unit. Overall administration may be handled by either supervisor.

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

See DAY CARE CENTERS

525. General Program Director Qualifications

See DAY CARE CENTERS

530. SUPPORT STAFF QUALIFICATIONS

See DAY CARE CENTERS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

40-64.090 Daily Activities and Care of the Child.

All requirements as given 13 CSR 40-63.080 (4) and (5) shall apply to an infant and toddler day care center.

To help foster the emotional development of a child, he/she shall receive primary care on a consistent basis by the same staff person whenever possible.

Children shall be given encouragement, stimulation, and guidance in physical, mental, emotional and social adjustment. The daily activities and play experiences shall be planned in accordance with the ages, developmental levels, and interests of the children in care.

Children shall be on a flexible, individualized schedule with opportunity for rest, eating, and play.

Children shall not be left in a crib or play pen for long periods of time while awake.

Activities and experience shall include:

> A time each day when each child shall receive individual attention, "special parenting", and play with adults, involving holding, cuddling, talking, and singing. Verbal communication shall be encouraged by responding positively to the infant and toddlers verbalization.
>
> Opportunities for visual stimulation through the use of colorful mobiles, pictures, etc.
>
> Encouragement in the development of motor skills by providing opportunities for reaching, grasping, pulling up, creeping, crawling, and walking. There shall be times each day when each child is taken from the play pen or crib and allowed free movement on the floor.
>
> Opportunity for outdoor play when weather permits.

Children shall have constant care. Child care personnel shall be alert to various needs of the young child such as thirst, hunger, diaper change, fear of or aggression by the other children.

612. Program Equipment and Materials

40-64.040 The Physical Plant.
Infants and toddlers shall have outdoor play space separate from that provided for children over three years of age, or shall use the same space but at a different time. Equipment especially designed for the infant/toddler age group shall be provided.

40-64.050 Furniture, Equipment, and Materials.
Tables and Chairs. Low chairs and tables or infant feeding tables shall be provided for table play and meal time for children no longer being held for feeding. High chairs shall not be used.

Play materials and equipment. Equipment shall provide for exploration, movement, pulling up, holding, grasping, touching, and listening.

613. Nap Provision

40-64.050 Furniture, Equipment, and Materials - Sleeping Arrangements.
When children older than non-walking infants are in care, sleeping shall take place in an area separate from the play area. Cribs and/or cots shall be consistently in place for infants and toddlers to nap. This space cannot be counted as useable square feet of play space.

A well-constructed crib with side rails shall be provided for each infant. Each crib shall be equipped with a water proof mattress that completely fills the crib. Sheets shall be replaced daily and when wet or soiled. Each child shall be provided with his/her own blanket.

A well-constructed crib or cot with sheet an blanket shall be provided for each toddler and/or two year old. Toddlers shall nap in a crib until the parent grants permission in writing for a transition to be made to a cot. Cots shall be well-constructed.

Cribs and cots shall be spaced at least two feet apart.

614. Discipline and Guidance

40-64-090 Daily Activities and Care of the Child - Discipline.
The day care center shall use only constructive methods of discipline. Corporal punishment including spanking, shaking, and slapping shall not be used.

As discipline is a part of education in preparing a child for social living and group participation, any technique which is humiliating or frightening to the child shall not be used.

Punishment or threat of punishment shall not be associated with food, rest, isolation for illness or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

See DAY CARE CENTERS

712. Health Assessments

40-64.070 Health Examination.
Children ages two to three years cared for in an infant/toddler center or unit shall meet the requirement for health examinations as given in 13 CSR 40-63.070(1) but shall not be accepted for care without a physical examination report.

For each infant/toddler a physical examination shall be made within three months prior to enrollment. The report shall indicate that the child is in adequate health and without handcapping conditions or illness which would make group care inadvisable. No infant or toddler shall be accepted for care without a physical examination report.

713. Immunizations

Not specified

714. Sanitation

40-64.090 Daily Activities and Care of the Child - Toilet Training.
Every effort shall be made to coordinate toilet training in the facility with the program started by the parent. No effort shall be made to toilet train until parent and caregiver agree the time is right to begin.

The routine for training shall be discussed with parent so the same approach will be used at the center and at home.

Disposable diapers or diapers from a professional diaper service shall be used unless a parent requests in writing that cloth diapers from home be used. Soiled diapers shall be placed in air tight diaper disposal containers located in the diaper change area. If cloth diapers are provided by the parent, individual plastic bags shall be used to store soiled diapers for return each day to the parent.

Diapers and wet clothing shall be changed promptly and regularly. Persons changing diapers shall wash their hands with soap and water each time after changing diapers.

A diapering table shall be used for changing diapers. The table shall be thoroughly washed with soap, water and/or disinfectant after each use. Diapering supplies and warm running water shall be easily accessible to the diapering change area. Disposable, soft, paper towels or tissues shall be used to cleanse the child at each time of diapering.

The child shall not be left unattended at any time while on the diapering table.

715. Daily Illness Screening

See DAY CARE CENTERS

716. Care of Sick Children

See DAY CARE CENTERS

717. Medication and Special Diet Provisions

See DAY CARE CENTERS

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

See DAY CARE CENTERS

722. Fire Safety Requirements

Not specified

723. Transportation

See DAY CARE CENTERS

724. Safety Requirements for Equipment

See DAY CARE CENTERS

725. Water Activities (Including Swimming)

See DAY CARE CENTERS

726. Emergency Procedures

40-64.090 Daily Activities and Care of the Child.
Fire drills and drills for other emergencies shall be held regularly. An evacuation plan shall be established, posted in a conspicuous place, and reviewed with each new employee.

See also DAY CARE CENTERS

727. First Aid Supplies

See DAY CARE CENTERS

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

40-64.080 Nutrition and Food Service.
A written diet plan for each infant or toddler signed by the parent(s) shall be provided and updated every two months until the parent(s) grant permission in writing for the child to eat food(s) listed on the posted menu.

Formulas and special baby foods, and/or other special foods shall be provided by the parent with individual identification on each container. Unused portions shall be discarded.

Until infants can hold a bottle comfortably, they shall be held during bottle feeding. Bottles shall not be propped.

When an infant or toddler shows evidence of wanting to feed himself, he shall be encouraged and permitted to do so.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

See 811. Nutritional Requirements

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

See DAY CARE CENTERS

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

40-64.040 The Physical Plant.

An area within the facility protected from general walkways shall be reserved for crawling children. This area shall have resilient floor covering which shall be cleaned daily.

Safeguards to prevent children from entering unsafe or unsupervised areas shall be provided.

Children shall only be cared for on the first floor level.

Infants and toddlers shall have outdoor play space separate from that provided for children over three years of age, or shall use the same space but at a different time. Equipment especially designed for the infant/toddler age group shall be provided.

See also DAY CARE CENTERS

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See DAY CARE CENTERS

1430. EXITS

See DAY CARE CENTERS

1440. TOILETS AND LAVATORIES

40-64.040 The Physical Plant - Bathroom Facilities.
A minimum of one flush toilet facility and one handwashing facility shall be convenient and accessible for every 16 children in care.

A minimum of one potty chair shall be provided for every four toddlers and/or untrained two year olds in care. The potty chair shall be located in the bathroom, shall be emptied and rinsed after each use, and shall be thoroughly cleaned and disinfected daily.

Locks shall not be used on bathroom doors.

Bathrooms shall be scrubbed and disinfected daily.

When using bathroom facilities, children shall be supervised by an adult.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

See DAY CARE CENTERS

Except where otherwise noted, all citations are from the Missouri Department of Social Services, Licensing Regulations for Child Day Care Facilities, Chapter 65, Evening and Nighttime Centers, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

40-65.010 Definition and Licensing Information
Evening and/or nighttime care is child care provided in a child care center on a regular basis in the evening and/or nighttime to more than four children away from their own home.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

40-65.010 Definition and Licensing Information.
Application for license and procedures for licensing are the same for all types of day care facilities.

Centers specializing in evening and/or nighttime care shall be subject to all the rules as set forth in 13 CSR 40-63.010 through 13 CSR 40-63.098 except section (2) of rule 40-63.050, section (3) of rule 40-63.050 and section (1) of rule 40-63.080.

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

40-65.040 Personnel.

Adults on the premises shall be limited to staff, parents or to authorized persons.

One staff member shall be awake at all times.

During sleeping hours, staff shall be in close proximity to the sleeping areas so they can respond to the child needing attention.

See also DAY CARE CENTERS

312. Telephone

See DAY CARE CENTERS

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS

314. Insurance

See DAY CARE CENTERS

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

See DAY CARE CENTERS

340. RECORDS REQUIREMENTS

341. Children

See DAY CARE CENTERS

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

40-65.020 Admission Policies and Procedures.
Because of a child's particular need for parenting at bedtime and on awakening, special notes shall be made and included in the child's record regarding any particular problem or fears a child may have or special items he is used to having at bedtime.

Parental preference regarding bathing shall be noted and discussed and note made of any other special request of the parent with regard to personal care of the child.

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

See DAY CARE CENTERS

412. Methods of Computing Staff/Child Ratios

See DAY CARE CENTERS

420. GROUP SIZE

421. Group Size as of March, 1981

See DAY CARE CENTERS

422. Methods of Computing Group Size

See DAY CARE CENTERS

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See DAY CARE CENTERS

512. Health

See DAY CARE CENTERS

513. Education

Not specified

514. Experience

Not specified

515. General Child Caregiver Staff Qualifications

See DAY CARE CENTERS

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

See DAY CARE CENTERS

525. General Program Director Qualifications

See DAY CARE CENTERS

530. SUPPORT STAFF QUALIFICATIONS

See DAY CARE CENTERS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

40-65.050 Program of Activities.
Activities and experiences appropriate to the interests, needs and desires of the children in care shall be provided. These shall include educational play experiences and free choice of play, allowing for both group activities and individual interests.

Children shall be given encouragement, stimulation, and guidance in physical, mental, emotional and social adjustment.

Staff shall take into account the child's personal tempo, balancing out with what he had done earlier in the day and responding to his particular needs of the evening.

Special effort shall be made by the center staff to individualize care at bedtime and on awakening. Parents should be consulted on the child's particular behavior patterns at these times of the day.

612. Program Equipment and Materials

See DAY CARE CENTERS

613. Nap Provision

40-65.030 Furniture, Equipment, and Materials - Sleeping arrangements.
When overnight care is provided, the child shall have his own bed that is equipped with springs, mattress, and suitable bedding.

Since parents will be calling for the children at various hours, room arrangements shall take into consideration the child's need for undisturbed sleep.

If a nap is necessary during evening care, there shall be a cot or bed and appropriate bedding (sheet and blanket) available for each child who naps. Cots shall be well constructed.

Unless cots or beds are kept permanently in place in a separate room, they shall be lightweight and capable of being easily folded or stacked.

614. Discipline and Guidance

See DAY CARE CENTERS

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

See DAY CARE CENTERS

712. Health Assessments

See DAY CARE CENTERS

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

40-65.030 Furniture, Equipment, and Materials - Personal Belongings.
There shall be space provided for each child's clothing and personal belongings.

Each child shall have sleeping garments either provided by the parent or the day care facility. They shall be clean, comfortable, and plainly marked with the child's name.

Combs, brushes, and toothbrushes shall be individually and plainly marked with the child's name.

When overnight care is provided, soap and tub or showers shall be available.
See also DAY CARE CENTERS

715. Daily Illness Screening

See DAY CARE CENTERS

716. Care of Sick Children

See DAY CARE CENTERS

717. Medication and Special Diet Provisions

See DAY CARE CENTERS

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

See DAY CARE CENTERS

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

See DAY CARE CENTERS

725. Water Activities (Including Swimming)

See DAY CARE CENTERS

726. Emergency Procedures

40-65.050 Program of Activities.

Fire drills and drills for other emergencies shall be practiced regularly. An evacuation plan shall be established and posted in a conspicuous place.

727. First Aid Supplies

See DAY CARE CENTERS

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

See DAY CARE CENTERS

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

See DAY CARE CENTERS

900. SOCIAL SERVICES

Not specified

1000. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS (Infant/Toddler Care)

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS (Infant/Toddler Care)

1130. INFANT NUTRITION

See DAY CARE CENTERS (Infant/Toddler Care)

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITES

40-65.050 Program of Activities.
When the evening and/or nighttime care facility cares for school-age children, there shall be space apart from the preschool program for their use including an area for quiet study.

Separate sleeping areas shall be provided for school-age boys and girls, and an area provided to allow privacy in dressing.

See also DAY CARE CENTERS

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

40-65.030 Furniture, Equipment, and Materials - Sleeping arrangements.
Children shall sleep only on the first floor level.

There shall be sufficient space in the sleeping room to allow at least two feet on all sides of the cot or bed except where it is in contact with the wall.

See also DAY CARE CENTERS

1420. LIGHTING, VENTILATION, AND TEMPERATURE

40-65.030 Furniture, Equipment, and Materials.
There shall be a night light in the bathroom and in the hall at all times, and in the sleeping areas as individual children's needs require.

See also DAY CARE CENTERS

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

See DAY CARE CENTERS

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

See DAY CARE CENTERS

Except where otherwise noted, all citations are from the Missouri Department of Social Services, Licensing Regulations for Child Day Care Facilities, Chapter 66, Hourly Care Centers, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

40-66.010 Definition and Licensing Information.

Hourly care is defined as care given on an irregular, intermittent basis to more than four children outside their own home. Facilities offering hourly care shall be limited to this kind of care, and, if child care begins to become a patterned, scheduled service, guidance shall be offered to parents to make other child care arrangements.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

40-66.010 Definition and Licensing Information.
Application for license and the procedure for licensing are the same for all types of day care facilities. (See 13 CSR 40-61.020).

See also DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

40-66.010 Definition and Licensing Information.

Facilities specializing in irregular hourly, drop-in, or intermittent care of children shall be subject to all the rules as set forth in 13 CSR 40-63.010 through 13 CSR 40-63.098 with the exception of all of rule 13 CSR 40-63.030, section (3) of rule 13 CSR 40-63.040, all of rule 13 CSR 40-63.095, and section (2) of rule 13 CSR 40-63.070. If care is provided for children under 24 months af age, the facilities shall also meet all of the rules set forth in 13 CSR

40-64.010 through 13 CSR 40-64.090 with the exception of all of rule 13 CSR 40-64.030, section (6) of rule 13 CSR 40-64.040, all of rule 13 CSR 40-64.070, and section (1) of rule 13 CSR 40-64.080.

312. Telephone

See DAY CARE CENTERS

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

See DAY CARE CENTERS

340. RECORDS REQUIREMENTS

341. Children

40-66.060 Records and Reports.

A complete record shall be maintained for each child and shall be readily available at all times.

The record shall include the information obtained at time of admission.

There shall also be:

Information concerning any accident, injury or illness to the child while at the facility, or any medical attention given.

Date and hours of admission and release along with the signature of the adult taking the child at the time of discharge.

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

40-66.020 Admission Policies and Procedures.
Children shall not be routinely accepted for more than four hours. In isolated instances when an emergency or special situation warrants it, a child or children may be cared for all day, but no longer than 10 hours consecutively.

Each center shall develop a procedure for receiving and discharging children which shall include the following.

The following information shall be obtained by personal interview at the time of admission:

All identifying information including destination and the make and license number of their vehicle.

Signed statement from the parent that the child is in good health at time of admission and free of contagious disease.

Instructions as to the action to be taken in case the parent or physician designated by parent cannot be reached in the event of an emergency.

Name of adult authorized to call for child and when he will be picked up. Identification shall be presented at discharge.

Name, address, and telephone number of substitute person to contact in any emergency.

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

See DAY CARE CENTERS

412. Methods of Computing Staff/Child Ratios

See DAY CARE CENTERS

420. GROUP SIZE

421. Group Size as of March, 1981

See DAY CARE CENTERS

422. Methods of Computing Group Size

See DAY CARE CENTERS

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See DAY CARE CENTERS

512. Health

40-66.040 Health Examinations.

Adults working in a hourly care center shall meet the same health requirements as given in rule 13 CSR 40-63.070 (1).

513. Education

See DAY CARE CENTERS

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

See DAY CARE CENTERS

530. SUPPORT STAFF QUALIFICATIONS

See DAY CARE CENTERS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

40-66.020 Admission Policies and Procedures.
Each center shall develop a procedure for receiving and discharging children which shall include the following:

> There shall be a designated person responsible for receiving and discharging of children accepted for care. These duties shall not disrupt the child/staff ratio or leave any group unattended.

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

See DAY CARE CENTERS

700 HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

See DAY CARE CENTERS

712. Health Assessments

40-66.040 Health Examinations - Children.
Signed statement from parent that child is in good health and is free of contagious disease.

Instructions for action to be taken in the event parent or physician designated by parent cannot be reached.

713. Immunizations
Not specified

714. Sanitation
Not specified

715. Daily Illness Screening
See DAY CARE CENTERS

716. Care of Sick Children
See DAY CARE CENTERS

717. Medication and Special Diet Provisions
See DAY CARE CENTERS

718. Waiver of Health Requirements
Not specified

720. SAFETY

721. General Safety Requirements
See DAY CARE CENTERS

722. Fire Safety Requirements
Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

See DAY CARE CENTERS

725. Water Activities (Including Swimming)

See DAY CARE CENTERS

726. Emergency Procedures

See DAY CARE CENTERS

727. First Aid Supplies

See DAY CARE CENTERS

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

40-66.050 Nutrition and Food Service.
A mid-morning or afternoon snack of fruit juice, milk, and/or other light food shall be served.

If children are in care longer than four hours or if meals are served, all the rules as set forth in 13 CSR 40-63.090 shall be met.

812. Waiver of Requirements

40-66.050 Nutrition and Food Service.
Meals do not need to be served to children who are in care for less than four hours.

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

See DAY CARE CENTERS

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS (Infant/Toddler Care)

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS (Infant/Toddler Care)

1130. INFANT NUTRITION

See DAY CARE CENTERS (Infant/Toddler Care)

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

40-66.030 Physical Plant.

Although outdoor space is not required in an hourly care facility, if outdoor play space is used it shall meet all requirements as set forth in section (3) of rule 13 CSR 40-63.040.

See also DAY CARE CENTERS

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See DAY CARE CENTERS

1430. EXITS

See DAY CARE CENTERS

1440. TOILETS AND LAVATORIES

See DAY CARE CENTERS

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Montana Department of Social and Rehabilitation Services, Standards for Day Care Centers, March, 1965.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

MONT. REV. CODES ANN. §53-4-501 Definitions.

> "Child" means a person under 12 years of age.
>
> "Day-care facility" means a person, association or place, incorporated or unincorporated, that provides supplemental parental day-care center, or a group day-care home. It does not include a person who limits care to children who are related to him by blood or marriage or under his legal guardianship or any group facility established chiefly for educational purposes.
>
> "Day-care center" means a place in which supplemental parental care is provided to 13 or more children on a regular basis.
>
> "Group day-care home" means a private residence in which supplemental parental care is provided to 7 to 12 children on a regular basis.

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Definitions.

"A Day Care Center shall mean any day care facility that receives seven or more children for care for five or more hours of the day for five or more consecutive weeks. It may include facilities known as child care centers, nurseries, and centers for the mentally retarded."

112. Exclusions and Exemptions

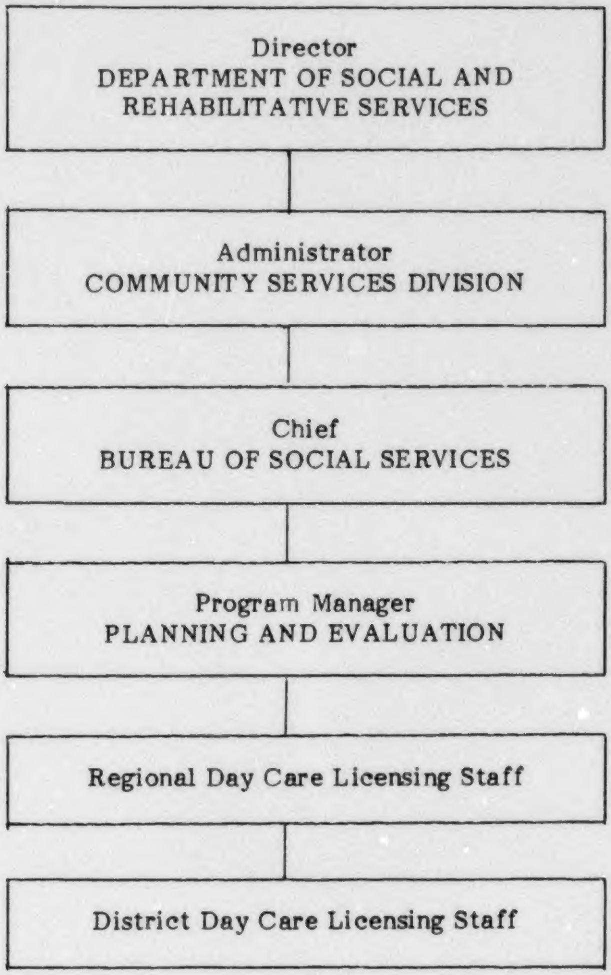
See 111. Definitions

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Director
DEPARTMENT OF SOCIAL AND REHABILITATIVE SERVICES
Administrator
COMMUNITY SERVICES DIVISION
Chief
BUREAU OF SOCIAL SERVICES
Program Manager
PLANNING AND EVALUATION
Regional Day Care Licensing Staff
District Day Care Licensing Staff

Day care Licensing staff are housed in the five regions and seven district offices within the regions. Staff are supervised at the regional and district level and receive suppport services from the state central office.

122. Responsible Official

All inquiries should be addressed to:

Program Manager - Planning and Evaluation
Bureau of Social Services
Community Services Division
Department of Social and Rehabilitative Services
P.O. Box 4210
Helena, Montana 59601
(406) 449-3865

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

MONT. REV. CODES ANN. §53-4-503 Powers and Duties of the Department. The department shall:

> issue licenses to persons to receive children into a day-care center on a regular basis;
>
> prescribe the conditions and publish minimum standards upon which licenses and registration certificates are issued;
>
> adopt rules for day-care facilities consistent with the purposes of this part; and
>
> issue registration certificates to a person or persons to receive children into a family day-care home or group day-care home on a regular basis.

MONT. REV. CODES ANN. §53-4-504 Standards for Day Care.

In developing standards, the department shall seek the advice and assistance of the department of health and environmental sciences and superintendent of public instruction, representatives of day-care facilities, specialists in child care, and representatives of parent groups who use the services of day-care facilities. The standards may pertain to:

MONT. REV. CODES ANN. §53-4-508 Requirements for Licensure.

The department shall include in the minimum standards for day-care centers the following requirements:

> The applicant, his employees, and all those persons who will come in direct contact with the children are of good character.
>
> The staff of the day-care facility is sufficient in number as provided by rule to provide adequate supervision and care of the children in the facility.
>
> Essential programs and practices carried on by the facility staff are developed and carried out with due regard for the protection of the health, safety, development, and well-being of the children.
>
> Applicant and staff are qualified by practical experience or education or training to give good care and treatment to the children.
>
> Intake records are kept on each child admitted for care.
>
> The applicant and staff limit admissions to the maximum number indicated on the current license.
>
> The applicant will arrange for the necessary precautions to guard against communicable diseases.

212. Advisory Body and Other Community Participation

See 211. Promulgation of Regulations

220. LICENSING PROCEDURE

221. Application and Issuance

MONT. REV. CODES ANN. §53-4-502 License Required — Registration Required — Term of License or Registration Certificate — No Fee Charged.

No person, group of persons, or corporation shall:

> establish or maintain a day-care center for children unless licensed to do so by the department;
>
> operate a family day-care home or group day-care home without first procuring a family day-care or group day-care registration certificate from the department.

The license and registration certificate shall set forth the ages and numbers of children for whom supplemental parental care may be provided. Licenses or registration certificates shall be issued for periods not to exceed 1 year. The department shall charge no fee to issue a license or registration certificate.

MONT. REV. CODES ANN. §53-4-503 Powers and Duties of the Department. The department shall:

> issue licenses to persons to receive children into a day-care center on a regular basis;
>
> prescribe the conditions and publish minimum standards upon which licenses and registration certificates are issued;
>
> adopt rules for day-care facilities consistent with the purposes of this part; and

issue registration certificates to a person or persons to receive children into a family day-care home or group day-care home on a regular basis.

MONT. REV. CODES ANN. §53-4-507 Application for a License or Registration Certificate.

Application for a license or registration certificate shall be made to the department in the county in which the applicant lives on forms prescribed by the department.

Applications for a license or registration certificate by Indians residing on Indian reservations shall be made through the tribal governing body on forms prescribed by the department. Applications made through a tribal governing body shall be accompanied by a request by the tribal governing body that the department investigate to determine whether a license or registration certificate should be granted.

Within 30 days of receipt of the application, the department shall investigate to determine whether a license or registration certificate should be issued.

The License: Requirements and Procedures - Application.

An application for a license shall be made to the State Board of Public Welfare through the county department of public welfare in the county in which the applicant lives, on forms prescribed by the State Board. The applicant shall take the initiative in contacting the representatives of the State Board of Health and the State Fire Marshal's office for inspections of the facility for day care.

Regular License.

A regular license may be granted to a center at any time that inspections have been completed, and each of the three State agencies are satisfied that the regulations are fully met. The expiration date will be at the end of a twelve month period from the initial date of approval.

222. Fee Charged

See 221. Application and Issuance.

223. Areas of Investigation

Not specified

224. License Renewal

MONT. REV. CODES ANN. §53-4-510 Renewal License -- Registration Certificate.

If a licensed or registered day care facility desires to renew a license or registration certificate, the request for renewal shall be made in writing, on forms prescribed by the department, in the county in which the applicant lives, 30 days prior to the expiration of its license or registration certificate.

The department may investigate and inspect the conditions and qualification of a day-care center, group day-care home, or family day-care home seeking or holding a license or registration certificate under the provisions of this part.

The department must visit and inspect at least 15% of all registered family day-care homes and group day-care homes in each of the governor's planning regions annually.

Upon request of the department, the state department of health or the state fire marshal or his designee shall inspect any day-care facility for which a license or registration certificate is applied for or issued and shall report its findings to the department.

The License: Requirements and Procedures - Renewal of License.
A request for renewal of a license shall be made in writing ten days prior to the expiration date of the license.

225. Conditional/Provisional Licenses

MONT. REV. CODES ANN. §53-4-509 Provisional License -- Provisional Registration Certificate.

The department may issue a provisional license or provisional registration certificate for a period which may not exceed 6 months if it finds that a day-care facility or applicant does not meet all standards established by the department, as long as the facility or applicant is attempting to meet the minimum standards.

The department may not waive the requirement that a day-care center be certified under the provisions of 53-4-505 and 53-4-506.

The License: Requirements and Procedures - Provisional License.
A provisional license may be granted according to section 7 of the licensing law for a period of not more than six months if it is found that a substandard facility is attempting to meet the minimum standards. Certification by the State Board of Health and the State Fire Marshal cannot be waived.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

MONT. REV. CODES ANN. §53-4-512 Licensees or Registrants to Maintain Records, Furnish Reports, and Permit Inspections.

It shall be the duty of every applicant for a license or for registration and every licensee or registrant to give the right of entrance to and inspection of premise to representatives of the department at reasonable times, to keep and maintain such records as the department may precribe, to permit inspection of these records, and to report to the department such facts as may be required on forms furnished by the department.

232. Denial, Suspension, Revocation of a License

MONT. REV. CODES ANN. §53-4-513 Denial, Cancellation, Reduction, Revocation, and Nonrenewal of Licenses and Registration Certificates — Fair Hearing.

The Department, after written notice to the applicant, licensee, or registrant, may deny, suspend, cancel, reduce, modify, or revoke a license or registration certificate upon finding that:

> any of the applicable conditions set forth in this part as prerequisites for the issuance of a license or registration certificate no longer exist;
>
> the licensee or registrant is no longer in compliance with the minimum standards prescribed by the department; or
>
> the licensee or registrant certificate was issued upon fraudulent or untrue representation.

The applicant, licensee, or registrant by written request may invoke the opportunity for hearing on the department's action by requesting a hearing within 10 days of notice of department action. The hearing shall be conducted according to the department's rules.

The License: Requirements and Procedures - Revocation of License.
The State Board of Public Welfare is responsible for the revocation of a license to give day care services if it finds there has been a substantial failure to comply with the requirements established under the law as stated under Section 10 of the law.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a License.

530

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License.

233.3 Judicial Review

MONT. REV. CODES ANN. §53-4-515 Violations.

If the department is advised or has reason to believe that a person, group of persons, or corporation is operating a day-care facility without a license or registration certificate, it shall make an investigation to ascertain the facts. If the department finds that the day-care facility is being or has been operated without a license or registration certificate, it may report the results of its investigation to the attorney general or the county attorney of the county where the day-care facility is being operated for prosecution and request that an injunction be issued against the facility until a license or certificate is issued.

The department may institute any action necessary to enforce compliance with this part or any order or rule of the department under this part or to obtain a judicial interpretation of any of the foregoing.

The department may, by its own attorney or counsel, any county attorney, or the attorney general, initiate an action in the district court of the appropriate county and be represented by such representative on appeal to the supreme court of Montana."

MONT. REV. CODES ANN. §53-4-516 Penalty.

A person, group of persons, or corporation who establishes or maintains a day-care center or assists in conducting or maintaining a day-care center without first obtaining a license from the department as provided for in this part is punishable by a fine not to exceed $500.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

The License: Requirements and Procedures - Statistical Reports.
Day Care Centers will make a monthly report showing type of facility and the number of children provided with care. A prescribed form is provided by the State Department of Public Welfare.

Buildings and Equipment of the Day Care Center.
In so far as possible, day care facilities should be located in or near the neighborhoods where children needing them live.

Total Number of Children.
The total number of children cared for in a day care center shall be determined by such considerations as physical facilities, staff, administrative structure, travel distances, and transportation.

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Children Receiving Care.

The care of children shall not be combined with the care of the aged, convalescent or maternity patients.

Children under two years of age shall not be accepted in day care centers.

312. Telephone

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

There shall be a telephone located on the premises and readily available for use in case of emergencies.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Records.

Public liability insurance and fire insurance shall currently be in force for the protection of the operator, staff, and the day care facility.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Records.

Intake records shall be kept on each child admitted for care.

The day care center shall keep an adequate record together with identifying data and information on each child in care. This shall include:

Name and birthdate of child.

Names, addresses, and home and office telephone numbers of parents.

Places of employment of the parents and their employer's address and telephone number.

Family physician (refer to standards of State Board of Health, page 4 V 3) "Information shall be obtained from the parent or parents of each child admitted as to the physician they wish called for their child in case of an emergency."

Name of person designated to call for the children.

Dates of admission and discharge.

Daily attendance record.

Health record (see State Board of Health Standards, Part V page 3).

All required identifying information is for the physical and legal protection of the child and the center, and for use in case of an emergency.

Provision for Health Care.
Such examinations and immunization history will be recorded on forms provided by the Montana State Board of Health (Exhibit A). The licensee shall keep such medical certificates on file.

In addition, children under five years of age shall be immunized against whooping cough. Any child with a history of measles would be considered immunized. These requirements would be waived only in the case of a signed statement by a physician indicating that immunizations would be contraindicated for health reasons.

Such medical records shall be on file at the center for each child enrolled. Parents should obtain for all children an Immunization Record Card (green plastic card - Exhibit C) showing dates of immunization. Parents may contact their local county health department for free immunizations.

Information shall be obtained from the parent, or parents, of each child admitted as to the physician they wish called for their child in case of emergency. Parents are to sign a release giving the operator the right to call a doctor in case of emergencies.

342. Staff

Provision for Health Care.
Every person coming in contact with children in the day care center shall have an examination by a physician. The examination shall be for the purpose of determining that the person is free from any physical or mental illness which might conflict with the children's interest. It will include a test, or tests, to determine the presence, or absence of active pulmonary tuberculosis. This requirement would pertain to all employees and to all family members and others residing in the facility. All family members and other children residing in the facility, under 12 years of age, shall be immunized against diphtheria, polio, measles and rubella. In addition, children under 5 years of age shall be immunized against whooping cough. Any child with a history of measles would be considered immunized.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Child-Staff Ratio.
Proper provision must be made for personnel with appropriate qualifications and in sufficient number to carry out the program according to approved standards.

412. Methods of Computing Staff/Child Ratios

Personal Qualifications of Teachers and Child Care Staff.
Each day care center shall have sufficient staff to prepare food, and to keep the building clean and the premises neat.

Service Staff.
There shall be at least two staff members available at all times. If the group exceeds twenty (20) children there shall be an additional staff member for each unit of children numbering up to ten (10).

420. GROUP SIZE

421. Group Size as of March, 1981

Grouping by Age.
Children shall be grouped in a way that allows for -

> Protection of younger and smaller children from the roughness of the older children.
>
> Appropriate expectations and stimulation for older children.

Differences between younger and older children in interests, attention span, and capacity to sit still. On occasions, younger and older children should be together for constructive activity and play.

Size of Groups.
Each group should have a full-time teacher and an assistant, and shall be limited to the number of children of a given age whose individual needs can be appropriately met.

The desirable number of children in the different age groups using enrollment figures, is:

two to four year olds	12 to 15 children
four to five year olds	15 to 20 children
five years old or older	20 to 25 children

The size of the group may add to the strain for small children, who, in a long day-care day particularly, need some degree of closeness to an adult.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Provision for Health Care.

Every person coming in contact with children in the day care center shall have an examination by a physician. The examination shall be for the purpose of determining that the person is free from any physical or mental illness which might conflict with the children's interest. It will include a test, or tests, to determine the presence, or absence of active pulmonary tuberculosis. This requirement would pertain to all employees and to all family members and others residing in the facility. All family members and other children residing in the facility, under 12 years of age, shall be immunized against diphtheria, polio, measles and rubella. In addition, children under 5 years of age shall be immunized against whooping cough. Any child with a history of measles would be considered immunized.

Such examinations and immunization history will be recorded on forms provided by the Montana State Board of Health. The licensee shall keep such medical certificates on file.

513. Education
See 514. Experience

514. Experience

Personal Qualifications of Teachers and Child Care Staff.
Teachers and others who work directly with children should be selected on the basis of personal qualities, as well as other qualifications.

Personal qualifications are of primary importance, because of the influence on the child of his relationship with the person with whom he spends long hours each day.

The following traits are among the most essential for teacher, group leader or day care mother:

Interest in and capacity for enjoying children.

Capacity to discern the feelings and needs of a child, and deal with them sympathetically.

Ability to deal in a nonpunitive but firm fashion with out-of-bounds behavior.

Ability to accept violently expressed feelings - joy or sadness, rage, love, jealousy or grief - without being unduly upset.

Dependability and consistency.

Flexibility and willingness to learn.

Capacity for pleasant and cooperative relationships with other adults.

Resourcefulness.

Respect for differences of children and parents in various cultural groups.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

See 513. Education

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

Playroom Equipment.

The furnishings and equipment available for the children, and their arrangement, contribute to a large extent to the quality of the program, by making children secure and comfortable, inviting their interest, promoting cooperative play, and suggesting both active and quiet play.

Equipment shall be arranged so that children can move about easily and safely, and use it to the best advantage.

Materials on shelves, at easels, workbench, etc. shall be kept within children's reach.

Furnishings.

Furnishings should be appropriate to the age, size and activities of children in the group.

Well-made tables, chairs and shelves should be of appropriate height and size for children's comfort and reach.

Movable low shelves, such as those on wheels or casters or low screens should be available for dividing areas of special activity, such as housekeeping or doll play, blocks, books, magazines, science, music, painting, woodworking, or quiet play.

A flat-bottomed sink and necessary equipment for water play should be easily accessible.

Playground Equipment.
Equipment which requires as little supervision as possible shall be selected, and shall be so arranged that the whole playground can be readily supervised.

Since children develop their muscles by using them, there should be space for running, apparatus for climbing, and supplies for building. There should be enough different kinds of equipment so every child has the opportunity to lift, pull, push and climb during outdoor play hours.

The supports for climbing and other large equipment shall be securely anchored at least eighteen inches underground. There shall be no protruding corners or edges of the support which children might fall against or stumble over.

613. Nap Provision

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

Napping facilities shall consist of individual cots, beds, or mattresses. These cots shall be separated from each other by at least two feet in all directions. Individual bedding shall be provided and kept in a clean and sanitary condition at all times. For children receiving care for five hours, or less, washable individual rugs or pads may be used for a short rest period. Such rugs or pads should be used for no other purpose.

Program.

There shall be a supervised nap period for children under 5 and a rest period for children five years of age and older.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Provision for Health Care.

All adults at the center shall absent themselves whenever any contagious or infectious condition of their own exists, or is suspected of existing.

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. Sanitation

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

The building and premises shall be maintained in a clean and hazard-free condition. The operator shall remove, or cause to be removed, any dangerous object or condition.

Floors shall be smooth and free of cracks, easily cleanable and shall not be slippery. Bare concrete is not allowed. Carpeting is permissible.

Water shall be from a source approved by the Montana State Board of Health. Any wells, springs, or cisterns in use shall be located, constructed and maintained in an approved manner, approved by the Montana State Board of Health. The Board of Health may require, when the day care center water supply is not from an approved public supply, periodic inspections and examinations of the water to determine its quality in the same manner as the Board does for public water supplies.

All plumbing shall be designed to meet the minimum requirements of the Montana State Plumbing Code. Where a public sewer system is available, all plumbing fixtures shall be connected to that sewer. Private sewer disposal systems shall be approved by the Montana State Board of Health.

Buildings and Equipment of the Day Care Center.
The building must be sound in structure, safe for children, and as fire-resistant as possible. (See your State Fire regulations for day care centers and sanitation laws in Standards for Operation of Day Care Centers by the State Board of Health.)

715. Daily Illness Screening

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Provision for Health Care.

There shall be a daily appraisal of the children's health. The center is responsible for instructing each parent to keep the child home if he shows any sign of illness.

716. Care of Sick Children

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

There shall be a suitable isolation room for the complete isolation of children who are ill, or suspected of having a communicable disease, where the child may be kept until arrangements can be made to send the child home. An adult shall be immediately available to an isolated child.

Provision for Health Care.
When a child is absent, the day care center shall inform itself of the reasons, so the interests of the other children may be properly protected. If it is a suspected communicable disease, the day care center shall so inform the health officer. No child shall be readmitted after an absence until the reason for the absence is known and there is assurance that his return will not harm him or the other children. Communicable disease charts are available from the State Board of Health.

Records should be kept of all injuries, including date, time of day, nature of injury, and whether the parent was notified.

717. Medication and Special Diet Provisions

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Provision for Health Care.

No day care center shall undertake the care of a child requiring medications unless proper instructions have been given by a physician.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Provision for Health Care.

Medicines, poisons, firearms, sharp-pointed scissors and other potentially dangerous substances, and instruments shall be kept out of reach of children at all times.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Provision for Health Care.

Each day care center should develop its policies for first aid. These policies should include directions for calling parents or someone else designated as responsible for the child when a child is sick or injured. When each child is enrolled, arrangements should be made with the parents as to the child's physician in case the parent or other designated person is not available, permission should be obtained for a direct referral for care in case of emergency.

Standard Red Cross first aid procedures should be carried out and each person in charge should be familiar with them. Remember first aid is only what is to be done until a physician is available.

A first aid cabinet should be easily accessible in each day care center, one on each floor if the center is occupied by more than one floor and one in each wing if there is more than one wing. The first aid cabinet should contain the following supplies (and no more):

a. scissors
b. clinical thermometer
c. gauze bandages, 1" & 2" rolls
d. adhesive tape
e. absorbent cotton
f. rubbing alcohol
g. tincture of merthiolate
h. applicators
i. toothpicks
j. soap, preferably tincture of green
k. tongue depressors
l. tweezers
m. band-aids
n. safety pins
o. large triangular bandages (large square)
p. supply of sterile dressings (3" approximately)

First aid kit should not contain ointment for burns. Burns should be covered with large, dry, sterile compresses or strips from freshly laundered sheets. A person should be designated to keep supplies in the cabinet replenished. A place with cots should be available for emergency care and hot and cold water facilities and soap and paper towels should be available. Also there should be a toilet nearby.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Program.

Children remaining in the center for as much as 2 1/2 hours shall receive midmorning and midafternoon refreshments such as fruit, fruit juice or milk. All milk served shall be pasteurized. If children remain in the center for more than four hours, a full balanced meal, of at least one hot dish, shall be provided by the facility.

This meal shall provide 1/3 to 1/2 of the child's total daily requirements of calories, protein, minerals and vitamins. Each meal shall consist of a main dish of meat, eggs, fish or cheese, or an adequate substitute, a vegetable, whole grain or enriched bread, or cereal, and butter, fruit and milk. A record of the food served shall be kept on file. Noon or evening meals shall be preceded by a quiet period of relaxation for at least 10 minutes. Those responsible for the care of the children shall provide for handwashing prior to eating. Children shall be comfortably seated at tables for meals.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

Kitchen facilities need to be separate from the playrooms, yet located so that food can be transported readily, kept hot and be easily served. They shall be well lighted, clean and orderly. Adequate provision for refrigeration of perishable foods, sanitization of dishes and silver, and a sanitary method of garbage disposal are basic requirements. An automatic dishwasher using 180° is recommended, preferably with an electric coil in it to dry the dishes.

Chemicals or hot water immersion may be used for sanitizing dishes. A conveniently located pantry or storeroom for staples and canned foods adds to the ease with which meals are prepared. An easily cleaned surface for walls and flooring of rooms where food is prepared and stored is required. A sink for washing hands shall be immediately accessible to kitchen staff. The Regulation for Eating and Drinking Establishments shall be used as a guide.

Sanitary drinking facilities shall be provided by means of:

Paper cups.
Individul cups or glasses washed after each use.
Fountain of approved design.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Children Receiving Care.

Handicapped children may be included in the group provided a suitable program is provided for them and provided that there would not be a hazard to the other children. There shall be adequate staff who are familiar with and able to cope with problems.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

Only ground, or first floor space may be used in caring for children, with the following exceptions:

> A warm, dry, well-ventilated and lighted basement with two accessible exits may be used for part-day sessions not exceeding three hours if basement meets tne above requirements. In addition, basement must be attractive in appearance - no bare cement wall or floor or open beams shall be exposed.
>
> A basement area shall not be used for full day care.
>
> Upper floors may be used when they are entered from enclosed stairways with safety rails, have guards across windows and at top of stairs, and have two exits meeting requirements of State Fire Marshal.

The indoor area for play of the group receiving care shall contain a minimum of 35 square feet of usable floor space per child, exclusive of passageways, lockers, bathrooms and other space not primarily designated as play area. School children of the operator will not be included in making these calculations.

Each child shall be provided with individual space for his outer garments, extra clothing, and possessions.

The outdoor play area shall contain at least 100 sq. ft. of usable play space per child, and shall be free from such hazards as pools, wells, machinery, and harsh abrasive materials such as gravel. It shall be so placed that attendants can keep all children in view at all times. If any part of the playground is adjacent to a highway, busy thoroughfare, or other hazardous area, the play area shall be enclosed with fencing. There shall be provision for outdoor play under the supervision of an adult in suitable weather.

Buildings and Equipment of the Day Care Center.

The structure and design of the building have a marked influence on the program offered to the children. When a building is appropriate for children, it is possible to carry on activities with greater ease, and to require fewer controls for safety. The size and location of rooms, as well as the kind and quantity of facilities available, also have an effect on comfort and relaxation of both children and adults.

Playroom Equipment.

Adequate storage space should be available for cots, for extra clothing for emergencies, and for supplies and materials to replace those used.

Size of Groups.

Each group should have its own facilities and program, in the same building or in separate buildings.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

All quarters occupied by the children shall be adequately lighted.

The combined natural and artificial lighting shall reach a minimum of 25 to 30 feet candles in all parts of the room. Windows should be located so as to permit the children to see outdoors.

A temperature of 68° to 70°F. within two feet of the floor shall be maintained for children's play areas, and be free from drafts and sudden temperature changes.

A thermometer shall be placed in each room used by the children.

Electric heaters, or portable heaters, shall not be used. Radiators shall have a protective covering.

1430. EXITS

Playroom Equipment.
Doors and traffic lanes shall be kept clear of blocks and other equipment, so that children can enter and leave the room easily.

1440. TOILETS AND LAVATORIES

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

Bathroom facilities shall be readily accessible. There shall be at least one toilet and adequate provision made for hand washing for the children receiving care.

1500. OTHER STAFF REQUIREMENTS-COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Part Two - Standards for Day Care, Montana State Board of Health, Health Regulation No. 29-01 - Physical Facilities.

The building shall meet the legal requirements of the community as to zoning, sanitation, fire protection, water supply, sewage disposal. Where local regulations do not exist, laws and regulations of the Montana State Board of Health and the State Fire Marshal shall prevail.

1520. FIRE

Requirements of the State Fire Marshal.

In addition to these regulations, all day care facilities shall conform to the Uniform Fire Code (1979 Edition), as adopted by the State Fire Marshal of the Department of Justice and the Uniform Building Codes.

1530. BUILDING

See 1510. ZONING and 1520. FIRE

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are to the Nebraska Department of Public Welfare, Minimum Standards for Licensing Day Care Centers Caring for Children, May, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

NEB. REV. STAT. §71-1901 Definitions.
Child care shall mean engaged in the business of exercising the care, supervision, custody or control over children under sixteen years of age, for compensation or hire, in lieu of the care or supervision normally exercised by parents in their own home but shall not include casual care at irregular intervals.

112. Exclusions and Exemptions

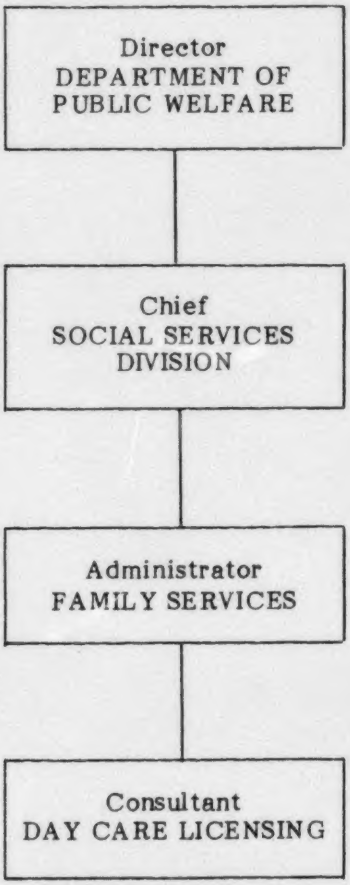
See 111. Definitions

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Director
DEPARTMENT OF PUBLIC WELFARE
Chief
SOCIAL SERVICES DIVISION
Administrator
FAMILY SERVICES
Consultant
DAY CARE LICENSING

All licenses and registrations are issued and revoked at the state central office level. Day to day licensing functions for day care centers are handled by state central office staff as is all inspection and enforcement for family day care homes. In most counties, there is a registration clerk who handles the paperwork for family day care home registration.

122. Responsible Official

All inquiries should be addressed to:

Consultant - Day Care Licensing
Division of Social Services
Department of Public Welfare
P. O. Box 95026
Lincoln, Nebraska 68509
(402) 471-3121

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

NEB. REV. STAT. §71-1904 Child Care; Rules and Regulations.
The department shall make such rules and regulations, consistent with sections 71-1901 to 71-1905, as it shall deem necessary for (1) the proper care and protection of children by licensees under said sections, (2) the issuance, suspension and revocation of licenses to carry on the business of child care, and (3) the proper administration of said sections.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

NEB. REV. STAT. §71-1902 Child Care License Required; Duration; Renewal Fee.

No person shall furnish, or offer to furnish, child care for two or more children from different families without having in full force and effect a written license issued by the department, upon such terms and conditions as may be prescribed by general rules and regulations promulgated by the department. All licenses issued under sections 71-1901 to 71-1905 shall expire one year from the date of issuance, and shall be subject to renewal under the same terms and conditions as the original license. For the issuance or renewal of each license the department shall charge a fee of one dollar. A license may be revoked for cause, after notice and hearing, in accordance with such rules and regulations as may be prescribed by the department.

222. Fee Charged

See 221. Application and Issuance

223. Areas of Investigation

NEB. REV. STAT. §71-1903 Child Care, Investigation by Department; State Fire Marshal.

The department, before issuance of a license, shall cause such investigation to be made, as it shall deem necessary, to determine if the character of the applicant or person in charge of the business and the place where the child care is to be furnished are such as to insure the proper care and treatment of children. The department may request the State Fire Marshal to inspect such places for fire safety and the Department of Health to inspect such places to determine if they meet sanitation and health standards set by the Department of Health for the care and protection of such children. The authority to make such investigations may be delegated to qualified local fire prevention personnel or environmental health personnel, as appropriate. The department may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing child care, to see that such business is being properly conducted.

224. License Renewal

See 221. Application and Issuance

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Administration - Alternative Compliance with Minimum Standards.

The Department may grant alternative compliance with Minimum Standards as published under the provision of Nebraska Statutes, 1943, as revised, Article 19, Section 71-1901 through 1905, if, as determined by the Department, the alternative form of compliance offers equal protection to children and meets the intent of the standard for which the alternative compliance is sought.

The Department shall consider requests for alternative compliance with Minimum Standards for Licensing Day Care Centers except for those standards under Staffing Requirements.

Procedure

A request for alternative compliance may be granted under the following conditions:

The applicant/licensee shall submit the request for alternative compliance in writing.

That request shall include:

The standard for which the alternative compliance is sought.

An explanation of why the standard cannot be met.

Justification (how facility will continue to provide for the health and safety of the children as intended by the standard if the request for alternative compliance is granted).

A written request shall be submitted for each standard that will be complied with in an alternative form.

The alternative compliance is effective for the duration of the license and shall be requested with each subsequent application if it is to be continued.

The applicant/license must provide clear and supportive evidence including, at the request of the Department, expert opinion.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

See 211. Application and Issuance

233. Remedies and Sanctions

233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

NEB. REV. STAT. §71-1905 Violation; Penalty.
Any person who shall violate any of the provisions of sections 71-1901 to 71-1904 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail for not more than thirty days.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Administration.
The center shall have, in written form, available for reading by the licensing agency or persons using the child care service a statement describing the service offered, including:

Basic care
Feeding
Activities

All published statements and advertisements shall be accurate and no claims pertaining to service shall be made unless the center is equipped and staffed to give such service.

No child shall be provided care for more than twelve hours in one day.

Children provided care shall be at least six (6) weeks of age.

A written report shall be kept on file for each child who has received an injury requiring first-aid or emergency medical treatment. This report shall at minimum describe how and when the child was injured and what actions were taken by the center staff.

Night-time centers, in the context of these regulations, shall mean any center in operation past 7:00 p.m. In addition to the requirements set forth above, centers offering night-time care shall meet the following requirements or modifications:

Administration

Arrangements for use of the same premises for night-time care and day care services, by different, or the same, licensee shall be such as to eliminate overlapping which would disrupt either service, and shall provide smooth transition from one type of service to the other.

Records on each child shall include information concerning family bedtime routines, and other information which would assist staff in providing a smooth transition for the child.

312. Telephone

Facilities - Indoor Area.
The center shall have telephone service.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Administration - Child's Record.
There shall be current information on each child accepted for care which shall be recorded on a document supplied by the Department of Public Welfare, Division of Social Services or one utilized by the center which contains all the information required on the Department's document.

342. Staff

Administration - Personnel Records.
Personnel records shall include:

Name, address, telephone number of each staff member

Name of person to be contacted in case of emergency

Annual health reports for all persons having contact with the children and/or food service

Training and education

Experience

Attendance record

Dates of employment and separation

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Staff - Staff Requirements - Staff/Child Ratios.

Infants and Toddlers:

Six week olds to two year olds: One adult to every four children

Preschool:

Two to three year olds: One adult for every five children

Three through five year olds (including kindergartners who have had their sixth birthday). One adult for every ten children.

School Age:

Six (or first grade) to maximum age provided care in center. One adult for every twelve children.

Night-Time Centers - Child Care Program - Staffing.
Child/staff ratio. Daytime ratio applies.

Coverage

Each staff person giving care during pre-bedtime and bedtime period shall be assigned the responsiblity of caring for the same children nightly.

There shall be at least one adult in each room of sleeping children.

All staff on duty shall be awake and alert to the needs of the children.

No staff person who has been on duty more than 3 day-time hours in the day care center shall be employed for night-time care.

There shall be an additional adult on call, whose name, address and telephone number is posted by the center's telephone, in case of emergency.

412. Methods of Computing Staff/Child Ratios

Staff - Staff Requirements - Requirements Governing Staff/Child Ratios.
Only those persons directly involved with the immediate care of the children shall be counted in the child staff ratio.

Staff ratio shall be met at all times.

All children shall be under the staff ratio appropriate to their age when in mixed age groupings.

The staffing for each grouping of children established by the center shall contain a primary level staff person.

If a cook is not employed full-time, that person may fulfill other staffing positions within the center. During the hours the person is working with food service they may not be counted in the staff/child ratio.

There shall be at least two staff persons on the premises at all times. When the number of children under care is five (5) or less this may be met by having one of the two staff members on call and immediately available.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Staff - Staff Qualifications.

Primary staff are those who have primary responsibility for groups of children (e.g., Head Teacher, Supervising Teacher). Primary staff shall:

have reached the legal age of majority
have a high school or general education diploma, and
a minimum of one year's verifiable experience in a child care program.

Persons fourteen (14) and fifteen (15) years of age may be employed in a child care program, but may not be considered in the adult/child ratio.

512. Health

Not specified

513. Education

See 511. Age

514. Experience

See 511. Age

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Staff - Staff Qualifications - Administrative Staff.

Administrative staff shall mean the person or persons having the overall responsibility for planning, establishing, and maintaining the child care program. Adminstrative staff shall:

have reached the legal age of majority,

have achieved one of the following levels of education and/or experience:

For centers licensed for 12 or more children:

Bachelor degree in child development or early childhood education from an accredited college or university; or

Bachelor degree from an accredited college or university and at least twelve (12) credit hours in the area of child development or early childhood education; or

Associate degree in child development, early childhood education, or child care administration; or

High school diploma or general education diploma plus verification of successful completion of twelve (12) credit hours in the area of child development or early childhood education, plus two years of full-time verifiable teaching or early childhood experience in a child care program.

For centers to be licensed for 11 or less children:

High school diploma or general education diploma plus two years experience in providing child care.

Night-Time Centers - Staff Qualifications.

If all children enrolled at the center receive their regular night's sleep at the center, a person meeting at least Primary staff qualifications shall be assigned the director/program director responsibilities and shall be on duty and present at the center during all hours of operation.

During hours when children are normally sleeping, the child/staff ratio for sleeping children shall be met by persons meeting at least Supplemental staff qualifications.

522. Health

Not specified

523. Education

See 521. Age

524. Experience

See 521. Age

530. SUPPORT STAFF QUALIFICATIONS

Staff - Staff Qualifications.

The supplemental staff is responsible to administrative or primary personnel and works directly with the children (e.g., Teacher, Teacher Aide). Supplemental staff shall be at least sixteen (16) years of age.

If a volunteer works over 16 hours a week, a health record must be obtained. If a volunteer works over 16 hours a week and is counted in the staff ratio, that person additionally must meet the requirements for the staff position s/he is assuming.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Staff - Staff Training Requirements.

Each center staff member shall participate in training programs annually as provided below.

> Administrative Staff training plans shall be in the area of child care, early childhood education or child care management and shall include at least twenty-four (24) contact hours per year.

542. Child Caregiver Staff

Staff - Staff Training Requirements.

Each center staff member shall participate in training programs annually as provided below.

> Primary Staff training plans shall be in the area of child care or early childhood education and shall include at least twelve (12) contact hours per year.

An individual record of each person's training activities shall be maintained, kept on file and available for review by the licensing authority.

543. Support Staff

Staff - Staff Training Requirements.
Each center staff member shall participate in training programs annually as provided below.

Supplemental Staff training plans shall be in the area of child care or early childhood education and shall include at least twelve (12) contact hours per year.

Food Service Personnel training plans shall be in the area of food and nutrition and shall include at least eight (8) contact hours per year.

Each hour spent participating in any of the following types of child-care related training activities shall count towards yearly requirements:

job orientation
in-service training
workshops
college credit courses
non-credit course work
adult education courses

Staff shall receive credit toward their requirement by designing and participating in a segment of a training plan for persons under their supervision (i.e., initial orientation).

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Program Standards.

The staff shall plan and provide daily activities suitable to the ages and needs of the children under care. This planning information shall be available to parents and licensing personnel upon request.

The staff and program shall provide the child with respect and a positive regard for his well-being as witnessed by:

sufficient supervision and guidance

immediate and positive response to child's physical and emotional needs

providing individual attention for each child

adjusting the program and environment to the physical needs of the child, and

a continuing concern for the rights of each child.

This is to be evaluated as not being complied with if such circumstances should ever exist and be substantiated as:

a child is ever left unsupervised

children's reasonable requests are not given a response

children are left isolated or allowed to receive no recognition from the staff or children

children with physical handicaps enrolled in are not given access to facilities necessary for their physical maintenance

any other situation which would indicate physical or emotional abuse or neglect of a child

Night-Time Centers - Child Care Program.
The grouping of the children shall be arranged so that no child is deprived of sleep or has his/her sleep unnecessarily disrupted.

The staff shall work with the child's parent(s) or guardian(s) to coordinate child's plan for the time spent at the center, with the family schedule.

A nightly schedule shall be planned for the hours the children are awake.

The word "napping" as included in the day care standards shall mean "sleeping" for night-time centers.

The staff shall assist children with dressing and grooming, as needed.

612. Program Equipment and Materials

Furnishings and Equipment - Amount and Type of Furnishings.
There shall be table space for each child who is able to sit at the table.

There shall be a straight chair, with a back, without arms, for each child who is able to use a chair.

613. Nap Provision

Health Standards.
Individual and separate bedding shall be provided for each child in the center who will be resting/napping/sleeping.

Night-Time Centers - Facility - Equipment and Furnishings.
Cots shall be fitted with a firm, waterproof mattress.

Sanitation Regulations - (For Center to be licensed for 12 or more children) - Facility - Napping/Sleeping Arrangements.

Individual cribs, cots or mats are required for each child and shall be suitable to the child's age and level of development. At least three feet of space shall separate the cots or mats. Each crib shall have a waterproof mattress. Mats shall be at least one inch thick, 46 inches long and waterproof.

Children on adjacent cots shall lie so that head and feet alternate.

Certain other arrangements may be possible if first approved by the environmental health section of the Local or State Health Department having jurisdiction, i.e., refers to cribs vertically or horizontally separated by "mini-walls," etc.

614. Discipline and Guidance

Program Standards.
Disciplinary practices shall:

- not be humiliating, frightening or physically harmful to the child
- be consistent and individualized for each child
- be appropriate to the child's level of understanding
- and be directed toward teaching the child acceptable behavior

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Health Standards.

No child shall be enrolled for care unless a record of his immunization has been obtained. If a child's immunization level does not meet the State Deparment of Health recommendation for his/her age, then a program for further immunization is to be arranged immediately with the parent(s) or guardian(s) following the recommendations of the child's physician.

714. Sanitation

Night-Time Centers - Child Care Program.

Hygienic Practices

> Children shall have shower, tub or sponge baths as needed for body cleanliness.
>
> All children shall be provided individual washcloths, towels, and soap for bathing.

Sleepwear

> Sleepwear shall be clean and comfortable, and plainly marked for individual use.

Sanitation Regulations - (For Center to be licensed for 12 or more children).

All rooms shall be clean and dry.

The floors of all rooms shall be easily cleanable, and shall be kept clean and in good repair.

Walls and ceilings of all rooms shall be kept clean and in good repair. The walls and ceilings of all rooms in which food is stored or prepared shall be of smooth, easily cleanable construction and finished in a light color. Walls subject to splash shall have a smooth, washable surface. Only non-leaded paint shall be used.

When flies or other flying insects are prevalent, all openings into the outer air shall be effectively screened. Doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

The building shall be constructed to prevent the entrance and harborage of rodents.

The water supply shall be obtained from a source which is properly located, constructed, and operated to protect it from contamination and pollution. Water shall meet current standards set up by the State Department of Health as to bacteriological, chemical and physical tests for purity. Running water under pressure shall be provided.

Adequate water heating facilities shall be provided so that a sufficient amount of hot water for general cleaning as well as washing and sanitizing utensils is available at proper temperatures. Each hot water storage tank shall be provided with a pressure and temperature relief valve.

Drinking water meeting sanitation regulations under Section B, Water Supply, shall be provided by sanitary drinking fountains or individual cups. The use of common drinking containers is prohibited.

Sanitary dispensing and disposal units shall be provided for paper cups.

Drinking fountains used by children shall have a mouth guard with water issuing under sufficient pressure.

No plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil, waste or other sewer pipe so as to make possible the back flow of sewage or waste water into the portable water supply system, shall be installed or be permitted to remain installed. Water which has been used for cooling or for any other purpose shall not be returned to the system.

All plumbing shall conform to the local plumbing code. Where no plumbing code is in effect, plumbing shall conform to the national plumbing code USA A 40.8-1955.

Sewage and all liquid wastes shall be properly discharged into a municipal sewerage system where such system is available. If it is not available, the sewage shall be collected, treated and disposed of in an independent sewage system which complies with the practice recommended by local ordinances; but where local ordinances do not exist, sewage disposal systems for individual premises shall comply with recommendations of the State Department of Health.

All garbage and refuse shall be collected, stored, and disposed of in a manner which will not create a nuisance, provide a breeding place for flies, or provide food or harborage for rodents.

All containers for garbage and refuse shall be watertight, have tight fitting covers, and shall be fly and rodent proof. Garbage containers shall be kept clean.

Storage
A locked cabinet shall be provided solely for drugs.

A separate locked cabinet shall be provided for insecticides and any poisons. Cleaning, polishing and sanitizing agents shall be kept separated from food items and not accessible to children.

Covered water-proof containers shall be provided for storing wet, soiled clothing. Other soiled clothing shall be stored in a covered container provided for that purpose.

Clean and adequate storage shall be provided for all personal items of children. This storage shall not be in the same storage area where food or medication is kept.

Combs, brushes, and tooth brushes, distinctly marked, shall be for individual use.

Fire arms, ammunition and other potentially hazardous equipment shall be kept in locked cabinets.

Grounds

The grounds shall be kept neat and clean and shall be free from rodent harborages and accident hazards. The grounds shall be properly sloped or drained to prevent stagnant water collection.

The outdoor play area shall be fenced. There shall be no barnyard animals or fowl inside the fenced area. Pets, if present, shall be physically controlled or restrained.

Accident hazards such as flammable materials, deep pools, and farm and lawn equipment shall be made inaccessible. Potential hazards such as uncovered wells, broken glass, boards containing nails, and other debris shall be eliminated. Drainage ditches shall be outside the fences.

All of the play area shall be under the supervision of staff.

715. Daily Illness Screening

Health Standards.

Each day previous to receiving a child from the parent(s) or guardian(s) (s)he is to be checked for signs of illness and not accepted for child care if too ill to be provided care.

716. Care of Sick Children

Health Standards.

Children who are ill and whose presence in a group of children may create a health hazard to themselves or others are to be cared for in isolation, or cared for by parent(s)/guardian(s).

A staff member with basic first-aid skills shall be on duty at all times.

A plan for handling medical emergencies shall be worked out with each parent or guardian in writing at the point of enrollment in the center.

When a child has been diagnosed as having a communicable disease, the center shall notify:

local or State Department of Health

parent(s) or guardian(s) of all children who may have been exposed.

717. Medication and Special Diet Provisions

Health Standards.

Authority and procedure for administering medication shall be clearly defined.

When parents or guardians of the children are unavailable to administer medication, one designated staff person shall be authorized to administer medication.

Medication and/or special medical procedures shall be administered to a child by the designated staff person only when there is a written, signed, and dated request from the parent(s) or guardian(s) including time of last previous dosage and time when medication or procedure is to be administered.

Only prescription drugs in original container and clearly labeled with the child's name, name of drug, and directions for administering, shall be administered to the child by the staff.

All medicines or drugs shall be kept in locked cabinets, inaccessible to children, and removed from the premises when no longer being used.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Facilities.

The outdoor play area shall be free of physical hazards and provide shade from the sun.

Rules and Regulations Providing for Life Safety from Fire in Day Care Centers for Children – Section VI.

The electrical wiring of any Day Care Center shall comply with the standards of the National Electric Code. 1975 edition.

General Housekeeping - Section VIII.

Discarded furniture, furnishings, or other combustible material shall not be stored or allowed to accumulate in attics, basements, or concealed spaces. Designated storage space shall be provided for equipment that may be necessary to the operation of the Day Care Center.

Space under stairways shall not be approved for storage use of flammable or combustible materials.

722. Fire Safety Requirements

Rules and Regulations Providing for Life Safety from Fire in Day Care Centers for Children - Equipment, Operational Features, and Day Care Center Evacuation Plan. - Section IX.

Each Day Care Center shall maintain and post in each area at strategic places a written emergency evacuation plan. The plan shall designate persons to be notified in case of fire, location of alarm boxes and fire extinguishers, evacuation routes, procedures for evacuating children who need help, and assignment of specific duties and responsibilities to personnel.

The administrator shall be responsible for conducting drills and rehearsals of emergency evacuation plans monthly.

One person on duty shall be assigned the responsibility of taking charge in case of fire or emergency.

The administrator shall be responsible for regular inspections of the Day Care Center and its grounds to see that they are safe from fire hazard.

The administrator shall have the continuous responsibility to see to the proper upkeep and maintenance of the sprinkler and/or alarm system.

Approved type fire extinguishers shall be provided on each floor, so located that a person will not have to travel more than seventy-five (75) feet from any point in the building to reach the nearest extinguisher. Additional extinguishers of the appropriate type shall be provided at or adjacent to special hazard areas such as kitchens, laundries, and boiler rooms. At least one approved fire extinguisher shall be provided in each story and in the basement, based upon the requirements of one extinguisher for each 2,500 square feet or part thereof per floor. Additional extinguishers may be required where deemed necessary. Fire extinguishers shall be inspected and recharged after being used or not less than annually.

All personnel employed on the premises shall be properly oriented in the use of fire appliances and fire safety procedures by instruction and practical application.

All doors opening upon required exterior stairways shall be one and three-fourth (1 3/4) inches bonded solid core wood, or hollow metal, self-closing, 36 inches wide, shall swing in the direction of exit travel, and shall not be less in width than the stairway upon which they open. Glass in all openings below and within ten (10) feet of exterior stairways shall be one-fourth (1/4) inches wire glass.

All combustible decorative and acoustical material used within the building occupied by persons coming within the scope of these Regulations and including all materials in exitways shall be rendered and maintained flame-resistant.

Fire Alarm Systems - Section X.

Approved manually operated fire alarm facilities shall be provided in every day care center licensed for the care of thirteen (13) or more children or guests.

In buildings two (2) stories or more in height, when of construction other than fire-resistive, an approved automatic fire detection system shall be provided throughout the building.

Buildings occupied for the purpose of Child Care which operate past the hour of 8:00 p.m. shall make arrangements for approved prompt notification of the public throughout.

Every alarm system and its equipment shall be of a standard approved type suitable for the purposes for which they are intended. The following N.F.P.A. standards shall be used to cover the installation details for manual fire alarm systems and automatic detection systems.

No. 71 Central Station Protective Signaling Systems
No. 72-A Local Protective Signaling Systems
No. 72-B Auxiliary Protective Signaling Systems
No. 72-C Remote Station Protective Signaling Systems

Centers are required to comply with the 1974 edition of the above named publications.

Each fire alarm system shall be electrically supervised in such manner that any malfunction of system; such as power failure, short circuits, breaks in wires, or other condition which might prevent or interfere with the operation of the system will be indicated by a distinctive audible and visible trouble signal at the fire alarm control panel, office, or other designated spot.

Every fire alarm system shall be under the supervision of a person or firm approved by the State Fire Marshal who shall cause proper test to be made at ninety day intervals and have change of all alterations and additions to the systems.

Inspection reports shall be made each ninety days to the office of the State Fire Marshal on forms furnished to the approved inspectors by the State Fire Marshal.

When the extreme case arises that the alarm or detection system shall become inoperative the State Fire Marshal or his designated authority and the alarm company shall be notified immediately.

Each automatic sprinkler system shall be of a standard approved type, so installed and maintained as to provide complete coverage for all portions of the premises protected.

Installation of sprinkler system shall comply to details established in N.F.P.A. Pamphlet 13.

Every sprinkler system shall be under the supervision of a person or firm approved by the State Fire Marshal who shall cause proper test to be made at regular intervals and have general charge of all alterations and additions to the system.

When the extreme case arises that the sprinkler system shall become inoperative the State Fire Marshal or his designated authority and the sprinkler system company shall be notified immediately.

Building Requirements - Section V.
Smoking may be permitted only in designated areas. Approved noncombustible ashtrays with self-closing lids shall be used.

723. Transportation

Transportation.
The staff/child ratio shall be maintained when transporting children.

Parent or guardian signed permissions shall be required for the center to transport children from the center to outside activities. These permissions shall be kept on file.

The number of children transported shall not exceed the seating capacity indicated by the vehicle manufacturer.

724. Safety Requirements for Equipment

Furnishings and Equipment - Condition.
Equipment and furniture shall be in operative condition, free of sharp, loose, or rusty parts.

Equipment shall be easily cleanable and kept in a clean condition.

Equipment used by infants and toddlers shall be free of small parts which could be swallowed.

Toys made of easily breakable materials shall not be used by infants and toddlers.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Health Standards.
First-aid supplies and manual shall be kept immediately available.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Nutrition.
The center shall provide and serve simple and nourishing food to children in quantities suitable to their ages and activities. Second helpings shall be made available.

Meals shall be planned according to the number of hours the child is in the center.

> For children in the center less than four (4) hours, one snack shall be provided, unless the four-hour period covers a normal meal hour, in which case a meal shall be provided, furnishing one-third (1/3) of the child's daily food needs.
>
> For children in the center five (5) to nine (9) hours, one meal and one or two snacks shall be provided (two snacks if period is as much as seven hours). If the five to nine hour period covers two normal meal hours, two meals shall be served, one which shall replace one snack. One meal and two snacks shall furnish one-half (1/2) of the child's daily food needs.
>
> For those in the center longer than (9) hours, two-thirds (2/3) of the child's daily food needs shall be provided. This shall be furnished in two meals and two snacks except for those children in the center after 10 p.m. in which case the child shall be provided meals and snacks at established serving times.

Menus of meals and snacks be dated and posted in a conspicuous place in the center. Any substitutions shall be of comparable nutritional value and shall be marked on the menu. After use, the menus shall be filed in the center and retained for one year. Each center shall consult on a yearly basis with a local dietitian, nutrition consultant, or home economist who is knowledgeable in all aspects of child feeding and nutrition.

Food shall not be used as punishment or reward. Children shall be encouraged, but not forced to eat.

Drinking water shall be available to all children upon request and shall be offered several times a day.

812. Waiver of Requirements

Nutrition.

Special diets prescribed by physicians shall be served by the center. Arrangements for special food needs shall be made between the child's parents/guardians and administrators. Religious and/or ethnic food preferences shall be observed by incorporating these foods into the menus on a regular basis.

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Nutrition.

Staff members shall eat with children and shall be served the same food.

Sanitation Regulations (For Center to be licensed for 12 or more children) - Food.

The standards governing food service sanitation are found in Part V of the "Food Service Sanitation Manual" 1962, Recommendations of the U.S. Public Health Service.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Staff-Parent Communication.

The staff shall be responsible for communicating with the parent(s) or guardian(s) concerning changes in the child's behavior patterns.

The center shall be open to visits from parent(s)/guardian(s).

The parent(s) or guardian(s) shall have the right of input into the center's planning of care for the child.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Nutrition.
A feeding schedule individualized to each infant shall be established. The infant shall be held for bottle feeding until a firm pattern of holding his/her own bottle has been established. Staff members shall either feed infants or supervise those old enough to feed themselves.

Infant formula shall be provided in one of the following ways:

> The center may keep a supply of commercially prepared formula.
>
> The center may require the parents to provide a day's supply of sterilized bottles or formula which shall be refrigerated until used. Each bottle shall be labeled with infant's name. When this method is used, all bottles shall be thoroughly rinsed when empty. Provisions shall be made for nursing mothers to come into the center to nurse their infants or to send along milk.
>
> If the center prepares the formula, either terminal or non-pressure method shall be used for sterilization.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Facilities.

There shall be at least 35 square feet of indoor activity space for each child. Bathrooms, kitchen, isolation room, office, passageways, storage, or space occupied by cribs, cots, or built-in-cabinets shall not be considered when computing activity space.

Space used for child care is not to be used for any other purpose such as storage, food service, or laundry.

Space shall be provided to isolate an ill on injured child.

Each child shall have space for storing wraps and individual belongings. For children over age two this space shall be accessible to them.

Rooms where children below age two (2) years are receiving care shall be limited to the care of eight (8) children at any one time.

When in use, the outdoor child care space shall provide a minimum of 50 square feet for each child using it.

For children between six weeks of age and school age, a fenced outdoor child care space shall be provided. The fence shall be:

at least three feet high.
free from sharp hazardous edges.
of sufficient construction to keep animals and other intruders out.

Night-Time Centers - Facility - Buildings.

In groups of children where all enrolled receive their regular night's sleep at the center and where all in the group are sleeping in cribs, there shall be at least 20 square feet of floor space in addition to crib space per child.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Heating - Section VII.

Heating of buildings shall employ central heating systems, or approved installation of fixed electrical space heaters. Portable heaters shall be prohibited.

Sanitation Regulations - (For Center to be licensed for 12 or more children).

The temperature of rooms where children receive care shall be maintained between 70-75 degrees Fahrenheit at floor level and heating system shall have this capacity when the outside temperature is at - 15 degrees fahrenheit.

An accurate room thermometer shall be available on an inside wall, away from a heater or direct sunlight.

All rooms shall be adequately lighted a minimum of 20 foot candle power (measurement of illumination).

Play areas, kitchen, bathroom and service rooms shall be well ventilated.

1430. EXITS

Stairway Enclosures and Floor Cutoff - Section IV.
When an exit is required to be protected by separation from other parts of the building by some requirement of these Regulations, the separating construction shall meet the following requirements:

> The separation shall have at least a one-hour fire resistance rating when the exit connects three (3) stories or less. This applies whether the stories connected are above or below the story at which exit discharge begins.
>
> The separation shall have at least a two-hour resistance rating when the exit connects four (4) or more stories, whether above or below the floor of discharge. It shall be constructed of noncombustible materials, and shall be supported by construction having at least a two-hour fire resistance rating.
>
> Any opening therein shall be protected by an approved self-closing fire door.
>
> Openings in exit enclosures shall be confined to those necessary for access to the enclosure from normally occupied spaces and for egress from the enclosure.

Building Requirements - Section V.

There shall be a minimum of two (2) approved means of exit, remote from each other as possible, from each floor of every building occupied as a Day Care Center. The traveled distance from a room to an exit shall not exceed one hundred-fifty (150) feet measured along the line of travel from the most remote part to a room. In fully sprinklered buildings or ones having complete smoke coverage the distance may be increased to two hundred (200) feet.

Every exit doorway and every principal entrance which is required to serve as an exit, shall be so designed and constructed to be accessible, obvious and identified. Any door in an exit shall be designed and installed so that when pressure is applied to the door, it shall swing in the direction of exiting travel. A door giving access to a stairway shall swing in the direction of exiting travel. A stair door during its swing shall not block the stairs or landing.

Exit doors shall be so arranged as to be readily opened from the inside at all times when the building is occupied. Exterior exit doors if subject to locking shall be equipped with approved panic hardware.

Doors in the path of egress and required exit doors shall be of the widehinge swinging type and at least 36 inches in width. The floor on both sides of an exit door shall be substantially level and have the same elevation on each side of the door for a distance at least equal to the door width.

Exception: Centers established before promulgation of these regulations shall have a door wide requirement of at least 32 inches.

Any aisle or corridor required for exit access in centers shall not be less than four (4) feet in clear and unobstructed width. In centers of new construction any aisle or corridor required for exit access shall not be less than six (6) feet in clear and unobstructed width.

1440. TOILETS AND LAVATORIES

Sanitation Regulations - (For Center to be licensed for 12 or more children). Every facility shall be provided with conveniently located toilet facilities at a ratio of one (1) stool per ten (10) children at two (2) years of age and above.

Toilet rooms shall be kept clean, in good repair, well lighted and well ventilated. The toilet room shall be fully enclosed. The toilet shall be of suitable height and equipped to be easily and safely used by children. Doors to toilet room shall be self-closing.

Hand-washing facilities shall be provided at a ratio of one (1) sink to every ten (10) children. The sinks shall be readily accessible to each toilet and/or diaper area. Hot and cold running water and soap shall be provided. Water temperature at the lavatory shall not exceed 120 degrees Fahrenheit.

Single service towels and individual wash cloths, and facilities for storing them, shall be provided. The use of a common towel and wash cloth is prohibited. Sanitary dispensing and disposal units shall be provided for paper towels, and shall be installed at heights convenient for the children's use.

The lavatory shall be of suitable height or equipped with a steady platform or steps to be safely used by children.

No adult or child shall resume work or play after using the toilet room without first washing his/her hands.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified